

## KENTUCKY.

James M. Wilson to be postmaster at Falmouth, Ky.

## MAINE.

Roy M. Hescok to be postmaster at Monson, Me.  
John C. Nichols to be postmaster at South Windham, Me.

## MASSACHUSETTS.

Charles M. Hoyt to be postmaster at Haverhill, Mass.  
Frederic Robbins to be postmaster at Watertown, Mass.

## MICHIGAN.

Oliver D. Carson to be postmaster at Galesburg, Mich.  
Frank A. Kenyon to be postmaster at East Jordan, Mich.  
Newton E. Miller to be postmaster at Athens, Mich.  
Maynard Palmer to be postmaster at River Rouge, Mich.

## MINNESOTA.

Charles H. Hamilton to be postmaster at St. Louis Park, Minn.

Charles A. Lee to be postmaster at Morris, Minn.  
John P. Lundin to be postmaster at Stephen, Minn.  
William H. Smith to be postmaster at Cambridge, Minn.

## MISSOURI.

Edwin S. Brown to be postmaster at Edina, Mo.  
Otis M. Gary to be postmaster at Doniphan, Mo.  
Bayless L. Guffy to be postmaster at Hayti, Mo.

## NEBRASKA.

Charles W. Gibson to be postmaster at Litchfield, Nebr.

## NEW YORK.

Henry W. Bischoff to be postmaster at Chappaqua, N. Y.  
Robert N. Hunter to be postmaster at Poughkeepsie, N. Y.  
William Hutton, jr., to be postmaster at Nanuet, N. Y.  
Harry R. Porter to be postmaster at Sonysa, N. Y.

## OHIO.

James R. Hicks to be postmaster at Amelia, Ohio.

## PENNSYLVANIA.

Marcellus J. B. Brooks to be postmaster at Driftwood, Pa.  
Margaret W. Buchanan to be postmaster at Scalp Level, Pa.  
Henry Feindt to be postmaster at Lykens, Pa.  
Matthew P. Frederick to be postmaster at Gallitzin, Pa.  
Christian E. Geyer to be postmaster at Catawissa, Pa.  
William S. Gleason to be postmaster at Johnsonburg, Pa.  
John Gowland to be postmaster at Philipsburg, Pa.  
William Krause to be postmaster at Richland Center, Pa.  
William M. Toy to be postmaster at Austin, Pa.

## SOUTH CAROLINA.

Ida A. Calhoun to be postmaster at Clemson College, S. C.  
James A. Cannon to be postmaster at Fountain Inn, S. C.  
James G. Harper to be postmaster at Seneca, S. C.  
Arthur L. King to be postmaster at Georgetown, S. C.  
Julia E. De Loach to be postmaster at Ninety Six, S. C.  
Roberta McAulay to be postmaster at Woodruff, S. C.

## TEXAS.

Lyman E. Robbins to be postmaster at Quanah, Tex.

## WEST VIRGINIA.

Lynn Kirtland to be postmaster at Sistersville, W. Va.

## WISCONSIN.

Charles E. Bartlett to be postmaster at Cameron, Wis.  
George M. Carnahan to be postmaster at Bruce, Wis.  
James Carr to be postmaster at Bangor, Wis.  
Myron W. De Lap to be postmaster at Abbottsford, Wis.  
Frank K. Havens to be postmaster at Prescott, Wis.  
Elizabeth K. Nevins to be postmaster at Bloomington, Wis.  
Irwin R. Nye to be postmaster at Wittenberg, Wis.  
Alfred S. Otis to be postmaster at Maiden Rock, Wis.  
Matthew O'Regan to be postmaster at National Home, Wis.  
James W. Simmons to be postmaster at Corliss, Wis.  
John C. Southworth to be postmaster at Whitehall, Wis.

## WITHDRAWALS.

*Executive nominations withdrawn from the Senate January 12, 1909.*

## POSTMASTERS.

## SOUTH DAKOTA.

J. R. Calder to be postmaster at Edgemont, in the State of South Dakota.  
John D. Cotton to be postmaster at Parker, in the State of South Dakota.

## HOUSE OF REPRESENTATIVES.

TUESDAY, January 12, 1909.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

## CHALMETTE NATIONAL CEMETERY.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that House documents 1179 and 226, on a new roadway to Chalmette (La.) National Cemetery, be reported back from the Committee on Military Affairs, and reference of the same changed from that committee to the Committee on Appropriations, which committee has jurisdiction over appropriations for national cemeteries. This refers to a change in the boundaries.

Mr. UNDERWOOD. Mr. Speaker, do I understand this is merely a change of reference that is asked for?

Mr. HULL of Iowa. That is all.

The SPEAKER. Without objection, the change of reference will be made to the Committee on Appropriations.

There was no objection.

## BANKRUPTCY ACT.

Mr. TIRRELL, by direction of the Committee on the Judiciary, reported the bill (H. R. 21929) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by act approved February 5, 1903.

Mr. TIRRELL. Mr. Speaker, I ask unanimous consent in this connection that the minority of the committee may have one week within which to file their views.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

## DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25392—the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill, with Mr. OLMSTED in the chair.

Mr. GARDNER of Michigan. Mr. Chairman, by action of the House on Saturday last, debate on this bill is limited to two hours, one half to be controlled by the majority and the other half by the minority. I yield fifteen minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, there has been considerable discussion in the House and throughout the country in reference to a change of the existing rules of the House. It is not my purpose to discuss, in the fifteen minutes allotted to me, the existing rules at all, but the other day we heard two very distinguished Members of considerable length of service in the House, each of whom suggested a change of rules which in each case seemed to the Member to be the desirable change of rules necessary. The distinguished gentleman from New York [Mr. CORKRAN] made the suggestion that the method of changing the rules should be by permitting one-fifth of the membership of the House, or possibly of those present, to demand that any bill in the House should be instantly placed on its passage on a roll call, adding that the same privilege should be extended to the leader of the minority; and this, Mr. Chairman, to be done for the purpose of permitting the expedition of business in the House. There is, in my opinion, no proposition ever submitted to the House in reference to a change of rules which has proved so obstructive to legislation as the suggestion offered.

Imagine the situation during the last session of Congress if the distinguished gentleman from Mississippi [Mr. WILLIAMS], the then leader of the minority, had the right on demand to commence with bill No. 1 of the House, going down as far as he could get toward bill No. 25000, demanding a roll call on each bill as a privileged matter! Yet that was the suggestion seriously made to the House by a Member of long standing in the House, who properly prided himself on the fact that he came here many years ago. Nor would such a rule if in force be to the interest of the minority so far as actual legislation is concerned. It is to be noted, Mr. Chairman, that the suggestion of the gentleman from New York is toward eliminating debate in the House. He had reference in his mind to a minority putting the majority in a hole in the House. But supposing the rule should be in force, and at the next session of the House, when we have before us a tariff bill, one-fifth or 20 per cent of the Republican Members of the House should

demand a roll call on the tariff bill without consideration, without debate, without amendment. It might be a desirable thing from the point of view of some Members of the House, but would any gentleman here seriously favor that that should be done, as suggested by the gentleman from New York, at the request of one-fifth of the membership of the House, to vote upon the passage of a great tariff bill without debate, without amendment, without opportunity for consideration? The mere suggestion seems to me to be sufficient to eliminate the proposed amendments of the gentleman from New York [Mr. COCKRAN.]

Mr. FITZGERALD. Mr. Chairman, is not it practically true that, on the suggestion of the majority, the currency bill as finally passed was adopted practically without amendment or opportunity of amendment?

Mr. MANN. Well, does the gentleman approve of it?

Mr. FITZGERALD. No.

Mr. MANN. Then, if the gentleman does not approve of it, why does he call it to my attention for the purpose of proving the desirability of a rule permitting any bills to be passed that way?

Mr. FITZGERALD. The gentleman has been criticising a suggestion of what might be done at the instance of the minority leader, and yet he supported a rule that made it possible to do it at the suggestion of the majority. What is the difference?

Mr. DOUGLAS. Was it not a rule of the minority leader?

Mr. MANN. No; the gentleman may give an instance, but when asked if he approves of it he says he does not, and yet does he approve of the suggestion of his colleague that any bill may be presented for passage at the request, not of the majority of the House, but at the request of one-fifth of the membership of the House, or at the request of one Member of the House, the leader of the minority? Now, Mr. Chairman, having called attention to the suggestion—

Mr. DOUGLAS. Will the gentleman yield?

Mr. MANN. I only have fifteen minutes.

Mr. DOUGLAS. Very well; I only thought the gentleman did not state the proposition correctly.

Mr. MANN. The gentleman says I did not state the proposition correctly. Very likely not. I stated it to the best of my ability. Now, I wish to call attention to another amendment, worked out in careful detail by one of the Members of this House, who, in my opinion, is as well posted on the rules of the House as any Member in it, the gentleman from Massachusetts [Mr. GARDNER]. I regret that in his discussion of the rules of the House the other day he did not discuss his own rule. I did not have the honor to hear all of his speech then, but this morning I read it in the RECORD, and I supposed there would be an explanation of the rule. I wish to call attention, in the few moments which I now have, to what the effect would be, or might be, by the adoption of this rule so carefully worked out by this distinguished parliamentarian, who knows the rules as well as anyone in the House does, in my opinion. His rule proposes that there shall be set apart one day in each week during the session of Congress for the consideration of certain bills on the House and Union Calendars and not otherwise privileged; that on those days one day in the month is to be set aside for the consideration of bills on the House Calendar or bills on the House Calendar having preference. The other Tuesdays are to be for bills on the Union Calendar. Under the proposed amendment the House must commence the consideration of these bills immediately after the reading of the Journal, without any other business.

The rule provides on calendar Tuesday, except as provided in clauses 8 and 9 in that rule, no business shall be in order except prayer by the Chaplain, reading and approval of the Journal, business on the calendar of the Committee of the Whole, and business on the House Calendar, provided that business under clause 61 of Rule XI, or under clause 9 of Rule XIV, shall not be in order. Under this proposed rule it would not be possible for the House on these days to transact any business except the business suggested until the time of adjournment came or after the hour of 4.45. The House could not receive a conference report; it could not act upon a conference report; it could not in any way dispose of a conference report; it could not adjourn even if a Member of the House should die on the floor of the House; it could not take a recess if the Capitol should be on fire—

Mr. GARDNER of Massachusetts. Will the gentleman permit?

Mr. MANN. Certainly.

Mr. GARDNER of Massachusetts. I desire to call the attention of the gentleman from Illinois that I provided for just such contingencies on motion of a two-thirds vote and also for

reverting to the regular order of business in case those calendars are exhausted.

Mr. MANN. I will endeavor to explain to the satisfaction of the gentleman that he has provided no such rule.

Mr. COCKRAN. Will the gentleman yield to me? I have just come in. I understood the gentleman to state I proposed that the same number required to order the yeas and nays—that is, one-fifth of those present—should have the right to move the consideration of any measure, and that a vote should be taken on the motion without debate. I did not make it an absolute condition that the vote should be taken without debate. Whether debate should be allowed and the extent of it would always be under the control of the House.

Mr. MANN. How would they get a vote if the majority had unlimited debate?

Mr. COCKRAN. Nobody contends for a moment, Mr. Chairman, that these other rules, cutting short debate, should be removed from the control of the majority.

Mr. MANN. Unless the gentleman's proposed rule would force a measure to debate, it amounts to nothing, and if it does it permits the cutting off of debate absolutely.

Mr. COCKRAN. Mr. Chairman, I must ask the gentleman to excuse me, as I was not present when he made his statement. I suppose he does not want to criticise anything that was not actually said. All that I contend for is that the majority in control of the House should always be held to show that it is a majority, and that some appreciable proportion of the membership of the House, not necessarily one-fifth—a majority, if you choose—in some way or other ought to be given power to move consideration of a measure and to get a vote on that proposal, the extent of debate, if any, always being in control of the majority present. That was my contention.

Mr. MANN. I hope the gentleman will properly revise his remarks when they appear in the RECORD.

Mr. COCKRAN. They will be in the RECORD to-morrow. I have been away.

Mr. MANN. Referring to what the gentleman said on the floor of the House—

Mr. COCKRAN. It is entirely my fault that the remarks are not in the RECORD now. They will be in the RECORD to-morrow morning.

Mr. MANN. I am not criticising the gentleman in that respect.

Here would be the first situation that would arise under the proposed rule of the gentleman from Massachusetts [Mr. GARDNER]: This morning there is not a quorum in the House. Under the rule proposed by the gentleman from Massachusetts, if we should choose now to make a point of no quorum in the House, you could not even have a call of the House.

Mr. GARDNER of Massachusetts. Why not?

Mr. MANN. Because the call of the House is business of the House.

Mr. GARDNER of Massachusetts. That is a motion which is permitted under the general rules. None of the general rules are suspended.

Mr. MANN. Oh, here is the proposed rule of the gentleman, providing, in clauses 8 and 9 of the rule, that no business shall be in order except prayer by the Chaplain, reading and approving of the Journal, and business on the House and Union Calendars, which may be considered under the rule, and if there is no quorum in the House, the House can not proceed to a call of the House, because that is business.

Mr. GARDNER of Massachusetts. The gentleman may be correct. It was my object in introducing this rule that small points like that should be pointed out.

Mr. MANN. That is the reason I am endeavoring to help the gentleman by calling attention to this matter, so that he may add a lot more sections to his rule to cover these possibilities.

Mr. GARDNER of Massachusetts. I understand the gentleman from Illinois [Mr. MANN] approves the general purpose of the rule?

Mr. MANN. The gentleman has a very vivid imagination.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. GARDNER of Michigan. I would like to ask how much more time the gentleman from Illinois desires to consume?

Mr. BURLESON. I will yield the gentleman from Illinois fifteen minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for fifteen minutes more.

Mr. MANN. Now, the gentleman suggests that under his rule you could have a call of the House. The Constitution provides that less than a quorum may adjourn. It provides that the House may by its rules authorize a smaller number



than a quorum to compel the attendance of absent Members, but that is business. The gentleman's amendment would not permit the House to transact any business at all on any Tuesday of the session unless, after the reading of the Journal, there was a quorum in the House and any Member chose to make the objection. That is not all. The Committee on Enrolled Bills of the House has the privilege of reporting bills constantly now, and in the last days of the session it is very important that that committee should be permitted to report to the House at any time. But the gentleman's amendment forbids the Committee on Enrolled Bills reporting a privileged measure to the House.

Mr. GARDNER of Massachusetts. Mr. Chairman—

Mr. MANN. I yield to the gentleman.

Mr. GARDNER of Massachusetts. I will ask the gentleman from Illinois to read the very first line of the very first section of the rule for calendar Tuesday.

Mr. MANN (reading)—

Except during the last six days of a session.

Mr. GARDNER of Massachusetts. That answers the gentleman's contention.

Mr. MANN. Does the gentleman think it essential that during the last six days of a session the rule should not be in force?

Mr. GARDNER of Massachusetts. Inasmuch as it is in the very first line, it is a fair assumption that I do not think it should be in force.

Mr. MANN. May I ask the gentleman a question? Does the gentleman think it essential that the rule should not be in force?

Mr. GARDNER of Massachusetts. I am not prepared to say, but my rule suggests that it shall not be in force, which is in the rule.

Mr. MANN. Quite the contrary. The rule suggests nothing of the sort. During the last six days of the short session the rule would not be in force, but during the last six days of the first session the rule would be in force.

Mr. GARDNER of Massachusetts. Mr. Chairman—

Mr. MANN. If the gentleman will content himself, his rule will be in force except "during the last six days of the session or after the adoption by both Houses of Congress of a concurrent resolution of adjournment sine die."

Now, we all know that it is impossible to adopt a rule for final adjournment by both Houses at the long session of Congress until we come up to the last day of the session. Whenever this House has been first prevailed upon to send over a resolution to the Senate earlier in the session adopting a final day for adjournment, we have found that the House invariably has been held up by the Senate in conference, until the practice has come to be for the House, in defense of its having the custom of originating the resolution for final adjournment, not to provide for final adjournment until the business of the session is practically disposed of. By the gentleman's amendment, if the House were in session on Monday or Tuesday and wanted to adjourn on Wednesday, it could not receive any of the business practically belonging to the session, because engaged, perhaps, in discussing the final passage of a bill that could not possibly become law.

Mr. GARDNER of Massachusetts. Will the gentleman allow me?

Mr. MANN. I yield to the gentleman.

Mr. GARDNER of Massachusetts. Mr. Chairman, I would like to ask permission of the gentleman from Illinois to offer in his time, if it be permissible in Committee of the Whole, as an answer to his question, a number of precedents to the contrary.

Mr. MANN. Very likely the precedents are different. Usually, when I first came here, the resolution would be presented and sent to the Senate, fixing the date for adjournment. It was never finally passed by the House unless we yielded to the Senate conferees or the legislation would be lost.

Now, Mr. Chairman, the rule further provides with reference to the Union Calendar, the Speaker, without having a motion made, without putting a motion—

shall immediately leave the chair after the reading of the Journal, resolve the House into Committee of the Whole House, and call a chairman to the chair.

The House puts itself into Committee of the Whole. Of course the purpose is to have the House then proceed with business on the Union Calendar. Suppose this rule had been in force during this Congress; let us see what the practical effect would have been. We have for some time been considering the penal code. The penal code was the second public bill reported to the House at the last session of Congress. It was the only bill that belonged on the Union Calendar on the first calendar Tuesday in January, there having been no bills on the calendar in December; and under this rule the penal code

would have come up for consideration in Committee of the Whole House on the first calendar Tuesday in January, and we would still be considering the penal code on this calendar Tuesday up to this time.

Mr. GARDNER of Massachusetts. Mr. Chairman—

Mr. MANN. I yield to the gentleman.

Mr. GARDNER of Massachusetts. The gentleman entirely forgets that the question of consideration can be raised in Committee of the Whole.

Mr. MANN. I will call attention to the fact that that question can not be raised at all in Committee of the Whole.

Mr. GARDNER of Massachusetts. Oh, Mr. Chairman—

Mr. MANN. The gentleman's rule provides that—

In Committee of the Whole the chairman of the committee shall call each standing committee in regular order, and the committee when named may call up for consideration any bill reported by it on a previous day.

The committee has the right under the proposed rule, when it is named, to call up any bill on that calendar. But that is not all. Under another provision of the rule it provides—

That if when the committee rise that bill is not disposed of, and this committee goes into session again on the next calendar Tuesday, preference shall be given to the last measure under consideration.

There is no escape. It does not leave it to the committee to decide, but the House, by its rule, decides that the bill, having been under consideration in one session, the House shall continue to consider it until it is disposed of. Now I yield to the gentleman.

Mr. GARDNER of Massachusetts. In the first place, that provision in the rule is copied verbatim from the present rule for call of the calendar, and I doubt if the construction has ever been put upon it that the question of consideration can not be raised.

Mr. MANN. Ah, but the gentleman—

Mr. GARDNER of Massachusetts. One minute. Please let me finish. The other day in debate the gentleman from Pennsylvania [Mr. OLMSTED] made that statement, that the question of consideration could not be raised in the Committee of the Whole. I asked the parliamentary of the House, and he rendered a different opinion.

Mr. MANN. I do not know what the parliamentary of the House may have said about it. One thing is quite certain: The parliamentary of the House can not openly override the express language of the House rule.

Mr. GARDNER of Massachusetts. By no means.

Mr. MANN. Here is the express language of the House:

This bill shall be considered in preference to all other bills.

Now, what happens further? Under the rule proposed, no motion to adjourn, or to take a recess, or that the Committee of the Whole rise shall be in order before 4 o'clock and 45 minutes, unless the business in order under clause 4 of this rule has been disposed of. Every bill on the Union Calendar except privileged bills, every bill on the House Calendar, is in order under the rule on these days; so that until all the business on the calendar is disposed of and the calendar is cleared it is not in order, under this proposed rule, to rise or to adjourn or to take a recess.

Then comes the next rule. And it is peculiar, to my mind, that the gentlemen who most criticize the rules of the House because they permit legislation without debate invariably propose that their bills shall be passed without consideration.

Mr. GARDNER of Massachusetts. If the House by a majority vote says so.

Mr. MANN. That is the case now. The gentleman's rule proposes to limit debate. He proposes that at any time after the expiration of forty minutes devoted to the consideration of a measure in Committee of the Whole it shall be in order to move to close general debate, and this motion shall be decided without debate.

Let us understand how this rule might work. The gentleman has charge of a bill on the floor of the House. He occupies an hour's time under the rules, unless he is cut off. He speaks for forty minutes in favor of the bill. The majority do not wish the minority to discuss the bill in general debate, and after the gentleman has occupied forty minutes, by a preconceived plan, I arise and ask the attention of the Chair and move to close general debate. I can take the gentleman off his feet to make that motion. The gentleman has expended forty minutes' time speaking for the majority in favor of the bill. The majority votes in favor of the motion to close debate. The minority is left without a chance to discuss the bill at all. And yet the gentleman's measure comes in as a proposition to permit the consideration of bills.

I have not wondered sometimes that some of the gentlemen who were criticizing the rules because certain measures had

not been disposed of in the House wished to stop debate. Many of those measures will not bear the light of day in debate, and I do not wonder that often, having bills of that sort, they wish to bring them before the House as the gentleman from Massachusetts [Mr. GARDNER] does, and as I have understood—though I do not now understand it that way—the gentleman from New York desired—to force a vote without debate and without consideration.

Mr. GARDNER of Massachusetts rose.

Mr. MANN. I yield to the gentleman.

Mr. GARDNER of Massachusetts. The gentleman has not contended that the objection to stopping debate was because it stopped discussion but because it stopped amendments, and that provision included in my rule does not stop amendments. As it is at present, you can stop debate after one minute's discussion.

Mr. MANN. Oh, you can do that under your rule. Your rule does not change it as to the House. Your rule only limits debate in Committee of the Whole, but does not change it in the House.

Mr. GARDNER of Massachusetts. But it does not prevent amendment.

Mr. MANN. You extend to the Committee of the Whole less time for debate than is now given by the rules of the House. You propose to take away the privilege that the Committee of the Whole has always exercised. The purpose for which the Committee of the Whole is created is to permit more debate than can well be permitted in the House. Now, I wish to proceed. I have not much time.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BURLESON. I yield to the gentleman five minutes more.

Mr. MANN. Mr. Chairman, having provided in his amendment that the House should not adjourn or the committee rise until 4.45 o'clock, he then brings in an exception, which he called attention to a while ago, and which I wish very briefly to discuss. I am sorry I have not time to discuss all the other provisions of the resolution.

Clause 8. On calendar Tuesday, either in the House or in Committee of the Whole House on the state of the Union, at any time when no measure is under consideration, shall be in order to move that further proceedings under this rule be suspended for the day.

The motion could not be made when any measure is under consideration. I call the attention of the House or the committee to the proposition that if this rule had been in force at the last session of Congress we would probably have been engaged, if anybody desired it, every calendar Tuesday in Committee of the Whole in consideration of the penal code; and while the measure was under consideration no motion to rise could be made, no matter if nine-tenths of the committee wished to rise.

Mr. GARDNER of Massachusetts. That is a good criticism.

Mr. MANN. For instance, we have the penal code yet before us. There is no chance for the House bill penal code to become a law; there may be a chance for the penal code to become a law in the end by conference on the Senate bill; and yet under the gentleman's proposed rule we could be kept here every Tuesday on the penal code, or, if the code was out of the way, on the next long bill on the calendar, discussing every Tuesday a bill without a chance to conclude it, without a chance to rise, without a chance to do any other business, or without a chance to enact it into law.

That would be coming to a pretty pass, with one day of the week absolutely wiped off the calendar so far as the transaction of business is concerned under the gentleman's rule. Of course the gentleman assumes that the House and committee might not do all of these things or, perhaps, that such a bill would not be presented; but the object of the gentleman is to force the House, or the minority of the House, or, perhaps, the majority of the House, into the consideration of something it does not wish to consider, and the gentleman must remember that no matter what rules may be enacted, when people wish to obstruct legislation they use the power that is in the rules, and if the gentleman's rule permits it, then he fails to accomplish the purpose he seeks.

That would not be all. We might under the gentleman's rule be kept sitting here from 12 o'clock to 4.45 o'clock, calling the committees one after the other, time and again, without a chance to rise or adjourn. They could commence with the first committee and call down to the end, and then commence again with the first committee and call to the end, and then go to the head of the first committee and call through them all again; and if no committee called up a bill, it would still be without the power of the Chair to entertain a motion to rise, because until every bill on the calendar is disposed of that

bill is in order whether called up or not, and the House could not adjourn so long as a bill remained on the calendar which could be called up.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARDNER of Massachusetts. Does the gentleman remember the first time that the call of committees took place this session?

Mr. MANN. I do.

Mr. GARDNER of Massachusetts. Less than an hour was occupied therein. Was the call repeated?

Mr. MANN. The next day, I believe.

Mr. GARDNER of Massachusetts. But not during that same hour?

Mr. MANN. No; but we were not operating under the gentleman's rule. We adjourned when we finished the call of the calendar that day, but the gentleman does not permit an adjournment so long as there is any business on the calendar that is in order under the rule, and any bill on the calendar except privileged bills is in order under the rule, whether called up or not.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BURLESON. Mr. Chairman, I yield sufficient time to the gentleman from New York [Mr. COCKRAN] to ask a question.

Mr. COCKRAN. I desire to ask the gentleman from Illinois if he would object, or can suggest any grounds of objection, to the appointment of a committee representing both sides of the Chamber to consider whether the rules are capable of amendment, and to make its recommendations before the end of this session? That is the only proposal I made to the committee.

Mr. MANN. I did not so understand the gentleman. What I would suggest is, the gentleman from New York having had a very long experience in the House and being one of its shining lights, that he prepare the amendments that he thinks should be made to the rules and introduce them as amendments to the rules so that we may consider them. There are many things which the House might do. They might appoint a committee on every conceivable purpose in the world, but let us have suggestions made for the amendment of the rules. I do not regard the rules like the laws of the Medes and Persians. I regard the rules as capable of amendment, and I would like to consider the amendment which is proposed.

Mr. COCKRAN. Will the gentleman allow me? The gentleman will bear me witness, I think, that in the discussion which occurred the other day my proposal simply was that some means should be devised by which the existence of a majority could be challenged on the one side and established on the other on a motion for consideration of any specific proposal. I did not suggest a way by which that could be done, because I do not profess to know a way, but I do suggest that able parliamentarians like the gentleman from Illinois, in the interest of the credit to which this House is entitled, but which I do not think it enjoys in the full degree of its merits, should devise a method by which that very desirable result might be accomplished. That is the whole of my proposal. Does the gentleman think that it is other than valuable?

Mr. MANN. Oh, Mr. Chairman, I think that anything that emanates from the gentleman is of value to the House; any contribution he makes either in regard to the rules or any other subject before the House is a valuable contribution to the House and to the country. Now, the gentleman and I would agree upon this—

Mr. COCKRAN. That is all I want to get at—a point of agreement.

Mr. MANN. That the prime purpose of a rule is to permit the enactment of business and at the same time secure the rights of the individual Member and in party government the rights of the minority.

Mr. COCKRAN. Well, the gentleman, I think, misunderstands what I said in regard to that. I stated that the only right of the minority is to be sure that it is a minority, and the only way you can establish that is by counting it.

Mr. MANN. I am talking about a partisan majority.

Mr. COCKRAN. A gentleman here suggests to me now that the majority was established at the election. My conception of the constitution and government of this House is that the existence of a majority should be established on each specific proposal.

Mr. MANN. I fully agree with the gentleman on that proposition.

Mr. COCKRAN. And therefore I think the gentleman is at one with me—that it would be advisable to see if we could establish some method by which the existence of a majority



could be established whenever challenged from a responsible source.

Mr. MANN. I will say to the gentleman that under the rules as now in force if I had charge of a bill which I wished to force to a vote, with a majority behind me, I would not care what the bill was under the rules as they now exist. I have that power directly, and not indirectly as has been suggested by the gentleman from Massachusetts [Mr. GARDNER].

Mr. PAYNE. And without regard to the attitude of the Speaker.

Mr. MANN. Without regard to the attitude of the Speaker.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. Mr. Chairman, I yield twenty minutes to the gentleman from Alabama [Mr. UNDERWOOD], or so much thereof as he desires to consume.

Mr. UNDERWOOD. Mr. Chairman, in the discussion of this question of rules I take it that it depends very largely on the size of the body that is to be governed by the rules as to what kind of rules we need for the government. The rules that we now have in this House have come down to us with some amendments, not many, from the original Congress. They have been changed from time to time to meet the emergencies and conditions of the business of this House as it develops. I believe that when the original Congress assembled there were 65 men then Members of this body. To-day we have 391. It is apparent that a very different set of rules would be suitable to the government of 65 men from the rules that would be needed to properly govern a body consisting of 391 men. I take it that the primary object of a set of rules is to do business. That is the first proposition, and the next proposition is to do business by the will of the majority of the legislative body that has adopted the rules.

Now, in the early history of this country we had reasonably lax rules for the government of the House of Representatives. It is apparent that a board of directors consisting of twelve or fifteen men practically need no set of rules to run their business. That a Congress consisting of 65 men needed very little in the way of rules to transact business is quite apparent. It is shown in the United States Senate to-day, where they have less than 100 members, and it is not necessary for them to adopt a cloture rule at all to do business; but I do not suppose there is a man in this House who will not readily agree that it would be impossible for the House of Representatives to do business at all without a cloture rule. We would simply be a mob of 400 men if we did not have rules under which we could transact the business of this House. With the large number of bills that are introduced here, the thousands of bills that are put on the calendar and the Members desire considered, it is absolutely necessary that we shall have some governing body to direct our movements toward the passage of bills. It is the same as if you had a tank at which 100 horses could get water and you brought a thousand horses there to water. Somebody would have to select the 100 horses that were going to receive the water. It is the same way with the government of this House. Somebody must determine what bills are going to be considered and at what time.

Mr. GILLESPIE. Will the gentleman yield for a question?

Mr. UNDERWOOD. Yes.

Mr. GILLESPIE. Now, if you take time enough, by watering 100 horses at a time you could water the 1,000.

Mr. UNDERWOOD. Oh, I assumed that there was water enough in the tank only for 100 horses.

Mr. GILLESPIE. The same rules that will govern a body of 65 men may govern a body of 400, if the 400 would take more time and devote more time to the business of the Government. Now, do we want to frame a set of rules that will enable 400 men, under the control of probably 20 of them, to come here and in from thirty to ninety days rush through such of the business of the country as these few men may think proper, or should we have more liberal interpretation of the rules securing larger debate and freer use of the right of amendment? It appears to me the latter is what we need; and then remain in session longer and devote more time than we do to the consideration of measures of general public interest.

Mr. UNDERWOOD. I agree with the gentleman in part, but not in all. I do not think we want any rule, I do not think we want any management, of this House that will rush the business of this Congress through in ninety days; neither do we want a rule of this House which will enable any party by a filibuster to take three hundred and sixty-five days to do its work and then not finish its work. Now, under the old system of rules we originally had in this House it was possible for a small minority to prevent business in any way and at any time, and I say that these rules should have been abandoned at the time they were abandoned. They were good enough for a

small body of men, but when the number of men in this House increased to the size where these rules could not prevent a filibuster and could not prevent the passage of legislation by a small minority of men, but prevent a real majority from doing business, then they should have been abolished when they were abolished by this House, and the country approved of it, and we approve of it to-day. Now, I say, when we come from that point, a point where it was necessary for us to adopt rules under which this House could do business and do business by the will of the majority, the pendulum swung to the extreme end of the other side.

Instead of adopting a rule by which this House could do business by the will of the majority, we adopted a rule by which we could do business by the will of one man. That is my objection to these rules, and not that the House should not do business and not that the majority should not do business in the way that the majority elects to transact business.

Mr. OLLIE M. JAMES. Will the gentleman yield—

Mr. UNDERWOOD. But I do object to a set of rules that enables one man to absolutely hold the veto of the legislation of this country.

Mr. OLLIE M. JAMES. I would like to ask the gentleman if it is not true that the curtailment of debate and the shutting off of all amendment to all important bills which we have had for the last two Congresses has been caused by special rules which were adopted by a majority of the House and against the protest of the minority always?

Mr. UNDERWOOD. Oh, undoubtedly.

Mr. MANN. The railroad rate legislation was as important as any brought before the Congress.

Mr. UNDERWOOD. Oh, we have had many important bills considered in this House by unanimous consent. There are times in this House when we can consider the most important legislation without any rule at all; but I say that these rules now are written so that if the Speaker does not desire the consideration of any question to come before this House that a majority wish, he can prevent it. I am not talking about political parties—not the Republican side of the House nor the Democratic side of the House—but I am talking about a majority that consists of more than half of the Members on the floor voting on the subject; that is what I mean by a majority. Now, I am not criticising the present Speaker. I have served on the Committee on Rules under one of his predecessors, a gentleman whom I respected and loved very much in his personal character, but I know this, as a member of that Rules Committee, that when an important question came up and a meeting of the Committee on Rules was called and the minority members came into the committee, with a smile the Speaker informed us that he had summoned us there to tell us what he is going to do. That is what we were sent for, to receive information of what was going to be done.

Now, I say that kind of procedure may be responsive to the wishes of a political party; it may be responsive to the wishes of a majority of a political party in power in this House, but it is not responsive to the wishes of a majority of the people of this House, and it is not always responsive to the wishes of a majority of the people of the country. Having met that condition and reached that position, I say that the time has come when we need another amendment to these rules. As I stated before, we amended the rules of the House some years back so that a majority could do business, or so the House could do business, and I say the time now has come when we should again amend these rules so that a majority of this House shall say what business shall be done. There is no Member of this House who is not on the Rules Committee, or there is no Member of this House, except the Speaker of the House—and, mark you, I am not criticising the present Speaker, who is working under the rules that we put in his hands; we have given him the power and he is carrying out the powers that we have given him—who can say what business we will transact to-morrow morning.

It is absolutely in his power. If two-thirds of the membership on the floor of this House desired some particular bill to come up first to-morrow morning for consideration, and it did not meet with the approval of the Speaker, you could not take it up, and you know it. Although the Rules Committee could bring in a rule, and there are two other gentlemen on the Rules Committee besides the Speaker, you know and I know that they will not report a bill to this House that does not meet with the approval of the Speaker.

Now, I do not agree with the proposition of the gentleman from Massachusetts [Mr. GARDNER] who wants to fix a calendar by which we shall do business, a machine where you can put a nickel in the slot and grind out legislation. This House should be governed by intelligence, not by machinery. The House

should take up intelligently the bills it wants to consider and enact them into law. There are many bills on the calendar of greater or less importance, and we would displace the consideration of an important bill by adopting a machine rule that requires us first to consider unimportant legislation.

But I do say there is one way in which this matter can be remedied, and only one. Make the Committee on Rules responsive to the will of the majority of the Members of this House. When you have done that you will have under the rules the power to do business, and you will have under the rules the power to do the business that the majority of this House wants done. It will only take a few lines written in the present rules, simply saying that this House shall elect a Committee on Rules at the beginning of each session of Congress, who shall have the same powers that are invested in the present Committee on Rules, and that that Committee on Rules, elected by this House, shall be subject to removal by a majority of the Members of this House at any time by resolution offered. You would then have a committee before which you could appear, present your bills, argue your case and ask for consideration. You would have a committee that, scattered through the membership of this House, would come in daily contact with that membership. You would have a committee that reflected the real sentiment of the membership of this House and the real sentiment of the country.

Mr. CAMPBELL. Will the gentleman permit a question?

Mr. UNDERWOOD. Certainly.

Mr. CAMPBELL. How large would you make that committee?

Mr. UNDERWOOD. I would make it large enough to reflect the sentiment of this House. I would put 15 men on the committee. What we want to do is to transact the business that the majority of this House wants and the country wants, and not have one man determine what business we ought to legislate about.

Mr. CAMPBELL. How would you divide that committee in the House as between the parties?

Mr. UNDERWOOD. I would give liberally to the majority party in the House. The majority party in this House is responsible for its legislation. It is responsible for its government, and I would give a liberal majority of the Committee on Rules to the majority party of the House. But there might be times when the majority party was not responsive to the will of the country, and that then some of its Members going to the minority party would bring legislation before the House that the country demanded and wanted, and rightly bring it before the House. But if you had a committee of 15 men, I would not resist a proposition to give the majority 10 of them and the minority 5. I would have no desire in the world to break down the power of the majority party in this House to do business, but I have a great desire to institute a rule in this House by which a majority of the Members of the House may say what business shall be transacted. [Applause.]

I yield back the balance of my time.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. BOUELL having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed joint resolution and bills of the following titles:

On January 6, 1909:

H. J. Res. 208. Joint resolution providing for expenses of the House Office Building.

On January 9, 1909:

H. R. 22879. An act to amend an act entitled "An act to amend an act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908.

On January 11, 1909:

H. R. 13649. An act providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. BURLESON. Mr. Chairman, I yield to the gentleman from Ohio [Mr. DOUGLAS] three minutes.

Mr. DOUGLAS. Mr. Chairman, I simply want to say that in the short time that I have been a Member here I have listened carefully to the criticisms that have been made from time to time of the rules of the House. I insist that there is too much

of dealing in general criticism, without anything specific. I hoped the gentleman from Alabama [Mr. UNDERWOOD] would say what rule or rules of the House give to the Speaker of the House the inordinate powers which he claims he exercises. I confess I do not find it.

Mr. NORRIS. Will the gentleman permit a question?

Mr. DOUGLAS. I beg pardon, but I have only three minutes, and I want to speak of another matter.

It seems to me this, that the mistake of the gentleman from New York [Mr. COCKRAN] consists in the assertion that this House should be and is at all times to be governed by the majority present. I do not believe that is the theory of our Government. It is, as I said to him here in our seats just now, the permanent majority of this House that is responsible to the country for the Government and the laws—the majority elected by the people.

Mr. UNDERWOOD. I would like to ask the gentleman from Ohio where he finds in the Constitution of the United States any theory by which a political party shall govern this country, and not a majority of its representatives?

Mr. DOUGLAS. I do not find it written in the laws, but neither do I find anything in the laws of England providing that England shall be governed by a cabinet. The cabinet is not recognized by the laws of England anywhere, and yet England is governed substantially by this cabinet.

Mr. UNDERWOOD. Just let me say this: The gentleman will find in the Constitution of the United States a very distinct provision that the laws of this country shall be enacted by the majority of the membership of this House.

Mr. DOUGLAS. That is true. But the majority of this House which is responsible for the laws is the permanent political majority which exists in the House, and not the temporary majority which may be here from day to day. That, I think, is the inherent trouble with the argument of the gentleman from New York [Mr. COCKRAN], who urges that the majority at any time present in the House should have the right to insist on the consideration of this or that bill. As a matter of fact, Mr. Chairman, the majority in this House is a political majority. It is here in the contemplation of the people and of the House all the time, and it, and not the majority which may be present to-day or to-morrow, is responsible for the laws passed and for the business of the House.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FOSTER of Vermont, having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Crockett, its reading clerk, announced that the Senate had passed bills of the Senate of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7925. An act to create an additional land district in the State of Montana, to be known as the "Harlowton land district."

S. 7992. An act to amend an act entitled "An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912," approved May 22, 1908;

S. 7918. An act for the relief of Bernard W. Murray;

S. 7785. An act relative to outward alien manifests on certain vessels;

S. 7640. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company;

S. 7378. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company.

S. 7257. An act providing a means for acquiring title to private holdings in the Sequoia and General Grant national parks in the State of California, in which are big trees and other natural curiosities and wonders.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill of the following title:

S. 4856. An act authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. BURLESON. I yield to the gentleman from Nebraska one minute.

Mr. NORRIS. Mr. Chairman, I have but one minute, but in that time I want to answer the question of the gentleman from Ohio. He says he wants somebody to point out to him the rule that gives to the Speaker this great power that is complained of



so much. My answer to the gentleman is that the rule that gives the Speaker power to appoint all the standing committees of the House, which practically control all of the legislation of the House, is, in my judgment, the rule that is obnoxious to those who think that the Speaker has too much power. [Applause.] At a future time, when I can get sufficient time, I want to go further into the proposition upon which the gentleman has invited discussion, and to point out wherein the rules are objectionable, and wherein, in the minds, at least, of some of us, they can be improved.

Mr. GARDNER of Michigan. Does the gentleman from Texas wish to occupy any more time now?

Mr. BURLINSON. No.

Mr. GARDNER of Michigan. Mr. Chairman, in the five legislative days that have intervened since this bill was reported to the House for its consideration much of interest has occurred, some of it historic and much otherwise. Nothing in all of the debates on the various themes has touched the bill under consideration, a bill which more deeply concerns the Capital City of the Nation and the residents therein for the ensuing fiscal year than any other measure before the House or that is likely to come before it.

The Committee on Appropriations, in framing the District of Columbia appropriation bill for the fiscal year ending June 30, 1910, were confronted by a financial consideration, present and prospective, that they felt ought to be laid before the House.

The Commissioners of the District estimate the needs for the ensuing fiscal year at \$16,000,000, in round numbers. The revenues of the District were estimated at a little over \$6,000,000. This sum, supplemented by the contribution of the General Government, provides \$12,000,000 for the revenues and for the expenditures of the District for the next fiscal year, if it shall live within its income. The estimates are therefore nearly \$4,000,000 more than the revenues.

The unfunded debt of the District on the 1st day of July next, it is estimated, will be \$4,184,000. This debt arises from the advances that have been made from time to time during the last eight years out of the Treasury of the General Government to enable the District to carry on certain important and, in the main, necessary enterprises of a permanent nature, now largely completed. Some of these enterprises are the sewage-disposal plant, costing over \$5,000,000; the filtration plant, about three and a half million dollars; the District municipal building, two and a half millions; elimination of grade and grade crossings, considerably over a million dollars; the new Union Station, a million and a half dollars; Highway Bridge and the approaches thereto, about \$1,200,000; the Connecticut Avenue Bridge, about \$865,000; the Anacostia River bridge, \$469,000; the Massachusetts Avenue Bridge, \$250,000 in round numbers; the Piney Branch bridge, \$50,000; and for tuberculosis hospital, \$205,000. These aggregate, in round numbers, seventeen and a quarter millions of dollars.

In addition to this unfunded debt there is a funded debt, authorized in 1874, to run, by the issue of bonds, fifty years. On the 1st of July, 1878, that debt was \$22,106,000. Last year on the 1st of July the unfunded debt was \$10,117,000. So that there remains to be paid in the next fifteen years as much of the funded debt, less \$2,000,000, as has been paid in the last thirty years. This funded debt carries a rate of interest of 3.65 per cent, the unfunded debt a rate of 2 per cent. The law requires that, beginning with July 1 next, the unfunded debt shall be paid, the whole of it, in the ensuing five years. Now, there are three methods, possibly four, by which the present financial condition in which the District finds itself may be provided for. One is to issue another series of long-time bonds or to continue indefinitely to receive advances from the National Treasury equal to the amount expended over the current revenues. This, in the main, is the proposition of the District Commissioners, supported to a considerable extent by the business men of the city and several civic associations in different parts of the District.

Mr. DOUGLAS. Which proposition is supported by the District Commissioners and others? Where they rely upon the General Government?

Mr. GARDNER of Michigan. One is the alternative of two others. To create a new bonded debt, or to continue as now to have advances made out of the National Treasury to make up any deficit in the revenues provided. Another method of meeting the situation is to raise the rate of taxation or the rate of valuation on real property, on which the rate of taxation is  $1\frac{1}{2}$  per cent on all real and personal property in the District of Columbia, and that at two-thirds of its true value.

I think it may be stated, on the authority of a statistician who knows local conditions, that the real assessed valuation today does not exceed on an average 45 per cent on the real es-

tate, judging from the assessed valuations and what the property sold for where sales take place.

Now, as a matter of fact, the rate of taxation is less in the city of Washington than in any other city of like size and like privileges in the United States.

Mr. STAFFORD. Will the gentleman permit me right there? Is that one of the reasons why so many wealthy people are taking up their domiciles here, in order to escape the taxation that they would have to pay at their real residences in their States?

Mr. GARDNER of Michigan. I will come to that in a moment. I know it is not safe as a basis of comparison to take either the rate of taxation or the assessed valuation to determine the relative rate of taxation between different municipalities, but there is a way that is fairly accurate and just, and that is to determine by the per capita tax raised in the several cities for municipal expenses. It should be borne in mind that the District of Columbia is not only a municipality, but in a sense it is a state government, in another sense a county government, and in another sense a municipal government, all three in one. Now, in nine cities that may be classed with this capital city, all but two cost more per capita for the conduct of the municipal business alone than does the city of Washington for all three of these combined. So well is this understood that certain persons living in the city of Washington have for obvious reasons advertised and sent broadcast over the United States circulars inviting citizens of other States to come here and live, not only on account of the desirability of living in the capital, but because of the low taxation.

Mr. GOULDEN. What is the assessed valuation of the city of Washington?

Mr. GARDNER of Michigan. I have not the figures in mind. I will ask the gentleman from Texas [Mr. BURLINSON] to answer that later.

Mr. GOULDEN. I know it is very low indeed, but I wanted to know just what it was.

Mr. GARDNER of Michigan. The assessed valuation is two-thirds of the true value. Does the gentleman mean the aggregate?

Mr. GOULDEN. I do mean the aggregate.

Mr. MANN. That is what the law says.

Mr. GARDNER of Michigan. The law says not less than two-thirds of the true value.

Mr. GOULDEN. And yet, in your judgment, it is only about 45 per cent?

Mr. GARDNER of Michigan. Not in my judgment, but upon the authority of one on whose judgment I rely.

Mr. GOULDEN. On information that you received?

Mr. GARDNER of Michigan. Yes.

Mr. STAFFORD. I assume that these gentlemen who send out these circulars advising of the advantageous conditions that present themselves here to the wealthy classes for residential purposes, so as to escape a higher rate of taxation in their homes, are interested in the stimulation of real-estate values.

Mr. GARDNER of Michigan. Naturally.

Mr. DOUGLAS. Will the gentleman be courteous enough to yield to all of us for information on this interesting subject?

Mr. GARDNER of Michigan. Certainly.

Mr. DOUGLAS. What effort is made in the city of Washington to secure returns of the personal property which you say is taxed at a certain rate here? Is it not true that a very large part of the personal property owned by the citizens entirely escapes taxation, and is not that advertised, and is not that one of the reasons why so many men of large means come here to live, to escape taxation entirely on their personal property?

Mr. GARDNER of Michigan. I will say to the gentleman, in the first place, that household goods to the value of \$1,000 are entirely exempt from taxation. In relation to the other I would not want to state on my own authority definitely. Every man can make his own inquiry. I presume every one of us knows men who have come here to this city who have given up their residence in their home States, as is believed in those States, for the purpose of avoiding taxation. I do not say it is so, but it is common rumor in our respective localities or districts.

Now, Mr. Chairman, to come back, it will be easy, therefore, if you lift the valuation on the one hand, so that, as in New York and Boston, the rate is fixed at 100 per cent of the true value of the real estate, to increase the revenues.

I think I may say in behalf of the committee and Congress that if the District of Columbia will increase its revenues by an addition to the existing two-thirds, Congress will meet the result, dollar for dollar, and so take care not only of the current expenses, but within reasonable limits the projects of a permanent nature that may be undertaken and carried on.

Mr. DAVIS. Will the gentleman yield?

Mr. GARDNER of Michigan. Certainly.

Mr. DAVIS. Is that species of personal property known as "money, bonds, mortgages, and other securities" taxed at all in the District of Columbia?

Mr. GARDNER of Michigan. Yes; supposed to be where it can be gotten at.

Mr. BURLESON. The gentleman from Michigan is mistaken. Money, notes, mortgages, stocks, bonds, and household effects under \$1,000 are not taxable at all.

Mr. DAVIS. That was my understanding, and that was the reason that has been given to me heretofore why many wealthy men come here for the purpose of escaping personal-property taxation. Will the gentleman from Michigan yield for a further question?

Mr. GARDNER of Michigan. Surely.

Mr. DAVIS. How long has it been since articles known as "heirlooms," diamonds, and so forth, have been taxed at all? Is it not a fact that it is only within the last two or three years that articles known as diamonds and expensive bric-a-brac, paintings, and costly furnishings have been taxed at all, but were exempt under the title of "heirlooms"?

Mr. GARDNER of Michigan. I think that is true. I may say that there has been, as I have been led to believe, an insistent and persistent effort to increase the amount of taxes to be raised upon personal property.

Mr. DAVIS. Is it not a fact that under the present system of taxation within the District property of that kind is more exempt from taxation than in any other city of its size in the United States?

Mr. GARDNER of Michigan. It may be so. Allow me to say that I have the figures as submitted by the auditor and assessor and collector of taxes. The realty current taxes are \$4,300,000. The personal current taxes are \$900,000.

Mr. STAFFORD. Will the gentleman yield?

Mr. GARDNER of Michigan. I will.

Mr. STAFFORD. In view of the persistent effort which the gentleman speaks of, has there been any effort by the committee to include bonds and other like securities on the personal-property tax roll?

Mr. GARDNER of Michigan. No, sir; I think that would not come within the province of the Committee on Appropriations.

Mr. STAFFORD. You propose to increase the taxable limit of real estate, but do not suggest anything about bringing in the bonds and stocks, mortgages, and so forth.

Mr. GARDNER of Michigan. The law provides that the taxes shall not be less than two-thirds. There is no change in that law.

Now, Mr. Chairman, a third way out of this difficulty is to follow the law, pure and simple. The law says that the Commissioners of the District of Columbia shall transmit estimates to the Congress, approved by the Secretary of the Treasury; and I may say in passing that since I have been a member of this committee the Secretary of the Treasury prior to the present one has uniformly reduced the estimates of the commissioners. The present Secretary, at the request of the commissioners, submitted the estimates as they were presented to him. Now, what is the law? In the organic act it says:

That to the extent to which Congress shall approve said estimates the Congress shall appropriate the amount at 50 per centum thereof, and the remaining 50 per centum of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and the District of Columbia.

That seems to me to be clear in this, that Congress intended under that provision that no unfunded debt should be created, by these words, "the remaining 50 per centum of such approved estimates."

Now, the commissioners estimate this year for \$16,000,000, in round numbers. If Congress shall approve these estimates to the extent of \$16,000,000, the law requires that there shall be levied upon the real and personal property of the District an amount to cover the \$8,000,000 for its share, less that which is derived from special privileges; so that it is up to the commissioners. They make the estimates, and, as the Congress shall approve, the law requires that the District shall pay 50 per cent of the amount approved and the United States the remainder. If that were done, and, I may say, if the commissioners were fairly conservative, we would have plenty of money to meet the current needs of the District and provide within reasonable limits for improvements of a permanent nature.

Mr. DAVIS. Mr. Chairman, I judge from the statement of the gentleman from Michigan that the financial condition of the District of Columbia is now and for some years has been somewhat embarrassed, owing to the fact that the revenues have not been equal to the expenditures.

I would like to suggest, not only to the gentleman, but to certain members of the District Committee present, who are the real legislative body, Would it not be wise or would it not be proper that the real estate of the city be taxed to at least a moderate extent for the improvement of streets and sidewalks along the adjoining private property? And I would like to ask the gentleman, If at the present time private property is not virtually exempt from expense for any improvements thereto by way of construction of streets, alleys, or sidewalks in front of and adjoining the property?

Mr. GARDNER of Michigan. To a large extent that is true.

Mr. DAVIS. Is it not true that a real estate owner where a street is located and to be established under an act reported by the District Committee—that the expenses dependent upon the original location and condemnation of the property is so distributed that the property bears a certain proportion of that expense, but when it comes to improving the street otherwise, asphaltting it, putting down sidewalks, planting trees, or possibly sewerage, the individual pays no expense whatever, but it is paid out of the joint revenue as comprised in the amount received from the Federal Treasury and the taxation of District property?

Does not the gentleman think that that is a bad system, and does he not know that there is not any other city in the United States where private property is thus improved and enhanced in value without one dollar of expense to the property? And, I will continue and the gentleman may answer all the questions together: Is it not another reason why wealthy men come here and invest in real estate and obtain opening of streets through and adjoining their property, in order that the Government and the District of Columbia, out of the joint revenues, may improve the property and thus increase the value to the owners?

Mr. GARDNER of Michigan. Mr. Chairman, answering the question of fact, I would state that, as I understand it, the gentleman is correct; but we have had some discussion here lately as to challenging the motives of men—

Mr. DAVIS. Excuse me, but I do not wish to challenge the motive of anyone. But does not the gentleman think that if that matter was legislated upon, and put in what I know the gentleman would consider a proper condition, it would do away with this discrepancy, as it were, between the revenues of the District and the expense? In other words, that the burden would be lightened upon the taxpayer and upon the Federal Treasury, and the real beneficiary would be called upon to respond, thus equalizing the revenues with the expenditures?

Mr. GARDNER of Michigan. Mr. Chairman, I know of no reason why the gentleman living in his town, or I living in mine; or any other gentleman living in his, should be compelled either to pay for the benefits to abutting property, along the line of his suggestions, and then by removing to Washington escape all those and have the half of such improvements paid out of the General Government, of which every taxpayer in the country has to meet his proportionate share. If the gentleman's idea was adopted and put in operation, it would largely reduce the annual budget.

Mr. COLE. How is railroad property in the District of Columbia rated for taxation?

Mr. GARDNER of Michigan. The street railway, I think, pays 4 per cent on the gross receipts.

Mr. BURLESON. There is 4 per cent on the gross receipts of the street railway.

Mr. GARDNER of Michigan. As to steam railways, I can not tell.

Mr. COLE. Is there any excise tax on the steam railways?

Mr. GARDNER of Michigan. I think not.

Mr. GOULDEN. Who is responsible for this state of affairs spoken of by the gentleman from Minnesota [Mr. DAVIS]?

Mr. GARDNER of Michigan. The Congress of the United States.

Mr. GOULDEN. What particular committee of the Congress?

Mr. GARDNER of Michigan. Certainly not the Committee on Appropriations, because we do not make the law. I am simply calling attention to these things this morning because as a committee we are compelled to confront the conditions in which we find ourselves and to act accordingly in making the appropriations.

Mr. GOULDEN. It is a most astonishing condition. I have never heard of it in any other city, that the abutting property paid nothing for the improvement—cutting through, grading, and macadamizing, and so forth.

Mr. BURLESON. Oh, that is not quite true.

Mr. GOULDEN. Did I not understand the gentleman from Minnesota correctly?

Mr. DAVIS. That is correct, except in this: That when the street is originally located under the bill emanating from the



District Committee, the property then pays a proportionate share for the taking of the property and in the condemnation proceedings.

Mr. MANN. Pays all of it.

Mr. GOULDEN. But not for grading and paving and improving, and so forth?

Mr. DAVIS. None whatever.

Mr. MANN. In the gentleman's own city it is only paid the first time, while in my city we pay for it each time it is improved.

Mr. GOULDEN. Yes.

Mr. MANN. We pay for it every time.

Mr. GOULDEN. If the streets are dug up after permanent improvement by the city, who then pays for that being dug up, in order that gas or water pipes, we will say, may be put in?

Mr. GARDNER of Michigan. The corporation in charge, and here is a specific illustration: Between the Capitol and the Library of Congress the gentleman will remember that the street was rendered impassable by the tunneling under to reach the Union Station. The railroads, as I understand it, replaced that street in proper condition. I refer now to the steam railroads. They did it without cost to the District or the General Government.

Now, I have not been there recently, but since I came it has been in an almost impassable condition, made so by the street railways laying tracks along there where there had not been any before, they in turn meeting all the expenses of that change.

Mr. GOULDEN. I alluded to private property. Say I own a house on Connecticut avenue, and I go there and put in water or gas pipes. Who is made to restore that street to its original normal condition, the property owner who has the benefit of it or the General Government and the District combined?

Mr. MANN. The property owner, theoretically, who gets the permit. I would like to suggest, if I may in the gentleman's time, this reason in reference to the city of Washington, D. C., paying the entire cost out of the appropriations which are made, and that is on the theory that it is manifestly out of the question in the District of Columbia to make special assessments against government property, because the Government owns so much property. It is out of the question to improve streets of Washington by special assessments without assessing the Government's property, and that is part of the original agreement between the District and the Government.

Mr. GOULDEN. I will say I had reference to long lines of streets laid out in every direction in which there was no government property at all. I understand it is very often the case they do not need the improvements, and they do not have to expend the money unless they desire to do so.

Mr. DAVIS. I do not wish to interrupt the gentleman, but this is a District matter, and any information I can obtain I would like to have along this line. Another idea suggested by the gentleman from Illinois is, he speaks about the Government owning such a vast amount of property in the District. I have heard it stated that the Government should pay one-half of the expense of maintaining this city because they own one-half or more property. I challenge that statement, and say that the reason given or the figures given to me when I was investigating that matter to confirm their statement that the Federal Government owns one-half of the property is made up of this: In this city, when a street is located by act of Congress the fee of the street is vested in the Government, contrary to what is the case in other cities; so that when a street is extended, the fee of the street at once becomes the property of the Government. The streets thus being included in the amount of property owned by the Government, it is thus claimed that one-half of all real estate of the District is owned by the Government.

Mr. MANN. Streets and the parks.

Mr. DAVIS. Yes. Of course the parks are for the benefit of Members of Congress as well as the residents of the city, but it is unequal. Public property of that kind, including the surface of the street, is figured in and charged to the government ownership, so when it comes to the ownership of the property, aside from streets and parks, my contention is that the private ownership here far exceeds the government ownership.

Mr. GARDNER of Michigan. Yes; the surface of the streets, alleys, parks, and so forth, makes 51 per cent of the entire surface in the city, and that is one of the reasons alleged for liberality on the part of the General Government. Now, Mr. Chairman, I want to call attention to this phase of the financial condition of the District. Under the law, the District is compelled to pay \$975,000 annually on the bonded debt. The net decrease of the debt of the city, funded and unfunded, last year was about \$123,000. In other words, the excess of the expenditures, interest on the unfunded debt added to the funded

debt, was enough almost to take up the entire payment of the funded debt, and if the estimates are allowed to stand this year you will add nearly \$4,000,000 to the unfunded debt and bring it to within \$2,000,000 of the funded debt, the interest on the two now aggregating nearly half a million dollars a year. There is one other method that has been suggested—personally I am frank to say I do not fall in with it, but it is made by a very prominent resident and a property owner and taxpayer of this city—namely, that the Government shall increase its per centum to the maximum of, say, 75 per cent of the entire expenses of the District of Columbia for current and extraordinary improvements.

Mr. DAVIS. It ought to go the other way, and the federal expense decreased.

Mr. SABATH. Should it not go the other way?

Mr. GARDNER of Michigan. I am simply giving you the opinion of an intelligent gentleman, a taxpayer, and a long-time resident of the city, to meet the emergency we are in. My own judgment is to raise the rate of taxation or increase the valuation. If you increase the valuation and tax it at one and one-half on a hundred per cent of its true value, we will not be troubled, with any reasonable economy, with a debt for current and extraordinary expenses. And yet, with that advance, the citizens living in Washington City and the District of Columbia will pay less taxes than in your city or mine—state, county, and national taxes combined. I think I can make that statement without any fear of its being controverted.

Mr. FORNES. May I interrupt the gentleman? What is the rate at present?

Mr. GARDNER of Michigan. The rate is  $1\frac{1}{2}$  per cent on two-thirds of the true value of the real estate.

Mr. FORNES. Then it follows that if you assessed at full market value the citizens of Washington would pay a higher proportion of taxes, because of increased assessment, whereas the government property, not being assessed at all, would be relieved of that much taxation?

Mr. GARDNER of Michigan. No; the Government under the law would meet dollar for dollar the amount that the District raised.

Mr. FORNES. Yes. Suppose you had \$12,000 to raise?

Mr. GARDNER of Michigan. Put it twelve millions.

Mr. FORNES. Well, any figure.

Mr. GARDNER of Michigan. That is about the figure.

Mr. FORNES. And the present rate of taxation, property being assessed at two-thirds, so to say, of its market value—

Mr. GARDNER of Michigan. No; not its market value. It has been stated that at its market value it was assessed at about 45 per cent.

Mr. FORNES. Only 45 per cent? Suppose, then, that you double that assessment and the city would pay, so to say, upon double the assessment; would that not necessarily make the taxation against the Government less?

Mr. GARDNER of Michigan. No; not under the law.

Mr. DAVIS. It would increase it.

Mr. GARDNER of Michigan. It would increase it. I read from the organic act some time ago.

Mr. FORNES. You have to pay dollar for dollar. If, as you say, it is about \$16,000,000—

Mr. GARDNER of Michigan. The debt is about \$14,000,000 now.

Mr. FORNES. I thought you stated \$16,000,000.

Mr. GARDNER of Michigan. Those were the estimates for the next fiscal year.

Mr. FORNES. Therefore, if you increase the assessment you either can reduce the rate, or by reducing the rate only a small percentage, of course, the revenue will be larger. The revenue being larger from the real estate in the city, I can not understand why, if the city bears its full share of the cost of government, the rate against the Government should not be less.

Mr. GARDNER of Michigan. I will read to the gentleman, and he will see at once. The matter was gone over when he was not in the Chamber:

The Commissioners of the District of Columbia shall make estimates which, when approved by the Secretary of the Treasury, shall be transmitted to the Congress.

Now, section 16 provides:

That to the extent to which Congress shall approve of said estimates, Congress shall appropriate the amount of 50 per cent thereof, and the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia.

Mr. FORNES. I understand. Now, that which is paid by the Government is paid by the country at large. It is charged to the citizens of the country, who are paying a taxation—and all this money which is paid by the Government comes from taxation. Is it fair for the city of Chicago or the city of New

York or the city of Philadelphia or any other city which is paying taxation upon the market value of the property, as it is called, to be offset by 45 per cent of the market value in the District of Columbia?

Mr. GARDNER of Michigan. Well, that is a matter that is up to the Congress. The Congress has already acted. It is in the law, and there is no way but for us to follow it until the law is changed.

Mr. FORNES. Then, is it not justly due to the people that Congress should so adjust the assessment in this District that it will correspond with the assessment generally throughout the country?

Mr. MANN. That would only increase our own expenditure.

Mr. GOULDEN. The gentleman himself is a Member of Congress, and therefore, I believe, equally capable.

Mr. GARDNER of Michigan. Mr. Chairman, in conclusion I want to say that the committee, facing this financial condition, not only now, but in the near future—for there are projects that have already been recommended, definitely and indefinitely, that will require a number of millions of dollars to carry out—I say the committee, facing this condition of things, felt that they ought to frame a bill strictly in accordance with the law. They have endeavored that no important interest should really suffer by the present bill, and at the same time have provided for a material payment upon the unfunded debt on the 1st of next July.

Mr. SABATH. What is the unfunded debt?

Mr. GARDNER of Michigan. It will be \$4,184,000 on the 1st of July.

Mr. BURLESON. Mr. Chairman, I will occupy the attention of the committee only for a moment for the purpose of supplementing the admirable statement made by the gentleman from Michigan with one suggestion: Since 1901, from year to year, Congress has been advancing to the District government out of the general revenues certain sums of money to meet the current expenses of the District. These advances now aggregate \$3,650,563.06. From the 1st of the coming July, under the law, this amount, which is part of the unfunded debt of the District of Columbia, must be paid within the next succeeding five years. Now, this condition confronts Congress: Either it must authorize an increase of the bonded indebtedness of the District of Columbia, or to meet the growing necessities of the District of Columbia there must be bills reported increasing the tax rate, or requiring the people of the city of Washington to assess their property nearer its real value.

Mr. DAVIS. Or decrease the budget along the line of expenditures which should be borne upon private property.

Mr. BURLESON. I do not think, Mr. Chairman, it is possible to decrease the budget. What the budget carries at this time is what is absolutely necessary to properly conduct the affairs of the District of Columbia.

Mr. DAVIS. Will the gentleman permit another question?

Mr. BURLESON. Certainly.

Mr. DAVIS. Is there not contained in nearly every appropriation bill—I have not examined this one—appropriations of several hundred thousand dollars for the improvement of streets that comprise part of this budget?

Mr. BURLESON. Certainly.

Mr. DAVIS. Now, if the District Committee or Congress shall change that system it would reduce the budget quite an extent?

Mr. BURLESON. Oh, certainly. But that would require the enactment of law, with which the Appropriation Committee has nothing to do except to vote as Members of Congress on such bills when brought before the House by the District Committee.

Mr. DAVIS. I understand that.

Mr. BURLESON. Now, as I was saying, Mr. Chairman, the Committee on Appropriations have in mind to carry out the law as it is, and require the District of Columbia to repay its unfunded indebtedness within five years; and if the District of Columbia budget is to be increased to meet extraordinary expenses or any other character of expenses, there must either be an increase in the tax rate and assessed values, an increase of the funded indebtedness of the District of Columbia, or an increase of the bonded indebtedness.

Mr. GOULDEN. Will the gentleman permit me to ask him one question?

Mr. BURLESON. Certainly.

Mr. GOULDEN. I hope the gentleman will have the kindness to answer a question in regard to the assessment value for taxation purposes referred to by the chairman of the subcommittee.

Mr. BURLESON. I am unable to state the aggregate assessed property—of real property—in the District.

Mr. GOULDEN. Can you approximate it?

Mr. BURLESON. I can tell you the amount collected on real estate in the way of taxes last year. There was collected from real property within the District of Columbia, \$3,400,000.

Mr. SABATH. How much on personal property?

Mr. BURLESON. Nine hundred thousand dollars.

The CHAIRMAN. The time for general debate under the order of the House having expired, the Clerk will report the bill for amendments.

The Clerk read as follows:

The Commissioners of the District of Columbia are hereby authorized and directed, from time to time, to prescribe a schedule of fees to be paid for permits, certificates, and transcripts of records issued by the Inspector of buildings of the District of Columbia, for the erection, alteration, repair, or removal of buildings and their appurtenances, and for the location of certain establishments for which permits are now or hereafter may be required under the building regulations of the District of Columbia, said fees to cover the cost and expense of the issuance of said permits and certificates and of the inspection of the work done under said permits; said schedule shall be printed and conspicuously displayed in the office of said inspector of buildings; said fees shall be paid to the collector of taxes of the District of Columbia and shall be deposited by him in the Treasury of the United States to the credit of the revenues of the District of Columbia.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I notice that this proposition, which looks to be eminently proper in intent, provides that the fees shall be paid into the Treasury to the credit wholly of the District of Columbia. In other words, as I understand it—I shall be very glad to be corrected if I am in error—the Government pays its half of the expenses of running this office. These fees are paid in for the purpose of covering that expense, but when it comes to crediting the fees, they are credited wholly to the District of Columbia revenues.

Mr. GARDNER of Michigan. Mr. Chairman, at the present time those who erect buildings in the District of Columbia pay simply for doing the clerical work in connection with the permits. It is now proposed that those making such improvements here in the city shall pay, in addition to the clerical work, substantially enough to cover the cost of inspection in all its departments; and the improvement being here in the District of Columbia, in its real estate, the committee recommend that the fees collected should be credited to the District revenues. Personally I am not particular whether it shall go into the revenues of the District or one-half into the District revenues and one-half into the Treasury of the United States.

Mr. MANN. Here is the point: That the revision itself undertakes to collect enough money to cover the cost and expense of the issuance of permits and certificates, and the inspection of the work done under the permits. Now, all of that service is paid for out of the appropriation, one-half being contributed by the Government out of the General Treasury; but, although we collect this money for the purpose of equaling this expense, we do not reimburse the General Treasury for any of its expense, but turn it over wholly to the District of Columbia, and that is such an unfair proposition that I do not think the gentleman will contend for it.

Mr. GARDNER of Michigan. If the gentleman will make his amendment, I will accept it.

Mr. MANN. I have no amendment prepared.

Mr. GARDNER of Michigan. This is the uniform practice in the District. It would be a departure to do otherwise.

Mr. MANN. I think the gentleman is mistaken. That used to be the uniform custom, but I called the attention of the District subcommittee of the Committee on Appropriations to this sort of a scheme that was in the appropriation bill in a number of places before, and I notice that they have eliminated it from every other place in the bill except this, and I suspect this crept in by inadvertence.

Mr. GARDNER of Michigan. The taxes on saloons and other special privileges are all given to the District of Columbia.

Mr. MANN. That is a different proposition. Here is a proposition to cover the expense of inspection.

Mr. GARDNER of Michigan. The fines from the police court all go into the District treasury.

Mr. MANN. Oh, yes; that is quite a different proposition.

Mr. GARDNER of Michigan. The Government pays half the cost of conducting these courts, but the police court gets the benefit of all the fines.

Mr. MANN. Yes; but that is quite a different proposition. Here is a building to be constructed. There is a certain expense about the issuing of the permits and a certain expense about the inspection certificates. Now, we provide for the officials who issue the permits and who do the inspection work. We pay for the expense of that out of the General Treasury. Then we provide that the man who obtains a permit shall pay in enough money to cover the cost of doing this work, and we think we have got it fixed then and paid back. But then we find, according to the bill, that this money is paid over to the



credit of the District, and so the District makes a profit, because the District only pays one-half the expense, and the General Government pays the other half. It seems to me the proposition is so utterly unfair that nobody can contend for it.

Mr. GARDNER of Michigan. Has the gentleman finished?

Mr. MANN. I have a point of order pending.

Mr. GARDNER of Michigan. I may say to the gentleman that not only the police-court fines, but the supreme-court fines, the liquor licenses, the plumbing licenses, the insurance licenses, the electrical permits, the building permits, the engineer's licenses, the fees from tax certificates, the railing permits, the water permits, the sewer and gas permits, the inspector of gas and meter fees, the dog-pound fees, the justice-court fees, the health-department permits, the surveyor's fees, the fees of the sealer of weights and measures, the penalty and interest on taxes; all these are deposited wholly to the credit of the fund of the District of Columbia. So that this would be the exception and not the rule. The fees now under this very language are all deposited in the treasury of the District of Columbia.

Mr. MANN. Then it is no advantage to the General Treasury to have this provision go into the bill?

Mr. GARDNER of Michigan. Yes; by so much as the one-half shall reduce the whole.

Mr. MANN. The one-half will not reduce anything, it only increases the expense to the General Treasury. None of this gets back into the General Treasury.

Mr. GARDNER of Michigan. It helps to pay the inspectors—

Mr. MANN. Not at all; it does not.

Mr. GARDNER of Michigan (continuing). Out of the District treasury.

Mr. MANN. It does not help to pay them. We appropriate directly for them out of the General Treasury.

Mr. GARDNER of Michigan. Oh, no.

Mr. MANN. Well, will the gentleman call my attention to a provision that the inspector shall be paid wholly out of the funds of the District of Columbia—

Mr. GARDNER of Michigan. I do not mean that.

Mr. FOSTER of Vermont. He means that it helps pay the District's one-half.

Mr. MANN. That swells the amount we have to pay out of the General Treasury.

Mr. GARDNER of Michigan. It still remains that this increases the resources which the District so much needs, and is in perfect harmony with the previous action of the District along that line.

Mr. MANN. The gentleman may be able to help me find something that I am looking for in the bill. There is a provision in the bill itself in reference to one lot of fees that shall be reimbursed to the fund out of which the service is paid.

Mr. GARDNER of Michigan. I do not recollect it at this moment.

Mr. MANN. Well, I shall be compelled to insist on the point of order.

Mr. GARDNER of Michigan. Will not the gentleman from Illinois withdraw his point of order or let it go over?

Mr. MANN. I am willing to let it go over, but not to withdraw it. The gentleman can ask unanimous consent that this be passed over without prejudice.

Mr. BOWERS. Would the gentleman withdraw the point of order if the provision was so amended that the deposit in the Treasury should be one-half to the credit of the United States and one-half to the credit of the District of Columbia?

Mr. MANN. Yes; but I think it should be so amended that the money would be for the services rendered.

Mr. GARDNER of Michigan. That is the purpose of it, that it shall furnish a fund that shall meet every expense of inspection.

Mr. MANN. But you do not do it by this provision.

Mr. GARDNER of Michigan. I have no objection to what the gentleman seeks to do. How would this do: Say that one-half of the receipts shall be deposited with the treasurer of the District of Columbia and one-half in the Treasury of the United States?

Mr. MANN. That would suit me, although I think it would be better to pass over the provision now. I ask unanimous consent, Mr. Chairman, that this paragraph may be passed for the present without prejudice.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that this paragraph may be passed for the present without prejudice. Is there objection? [After a pause.] The Chair hears no objection.

The Clerk read as follows:

For assessor's office: For assessor, \$3,500, and \$500 additional as chairman of the excise and personal tax boards; 2 assistant assessors,

at \$2,000 each; 2 clerks, at \$1,400 each; clerk, arrears division, \$1,400; 4 clerks, at \$1,200 each; draftsman, \$1,200; 4 clerks, at \$1,000 each; assistant or clerk, \$900; clerk in charge of records, \$1,000; 2 clerks, at \$900 each; license clerk, \$1,200; 2 clerks, at \$1,000 each; inspector of licenses, \$1,200; assistant inspector of licenses, \$1,000; messenger, \$600; 3 assistant assessors, at \$3,000 each; clerk to board of assistant assessors, \$1,500; messenger and driver, for board of assistant assessors, \$600; clerk, \$600; temporary clerk hire, \$500; in all, \$44,100.

Mr. NORRIS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman of the committee. How often, under the law, is property of the District of Columbia assessed?

Mr. GARDNER of Michigan. Once in three years; that is, the real estate is assessed once in three years.

Mr. NORRIS. How often is the personal property assessed?

Mr. GARDNER of Michigan. Annually.

Mr. NORRIS. Now, as to the employees mentioned here for the assessor's office, is that the regular number that is on the roll all the time? Is there any law by which, when the assessment of real estate is to take place, the clerks and employees shall be increased?

Mr. GARDNER of Michigan. There is a provision made for additional force when the assessment of real estate is to be made.

Mr. NORRIS. When was the last real estate assessment made?

Mr. BOWERS. Last year.

Mr. GARDNER of Michigan. We get the benefit of it for the first time in the ensuing fiscal year.

Mr. NORRIS. Is it not true that the force is now just as large as it was then?

Mr. GARDNER of Michigan. About the same.

Mr. NORRIS. Is the work about the same?

Mr. GARDNER of Michigan. They want an increase; they say they can not do the work with the present force.

Mr. NORRIS. Is it necessary to keep the entire force the entire three years in order to make an assessment?

Mr. BOWERS. Let me explain. Last year's bill carried with it a provision such as is carried every three years for additional clerk hire—temporary clerk hire—made necessary by the triennial assessment of real estate. That provision is left out of this bill, and it appears only when that assessment is made, and that constitutes the difference between the work which occurs annually and that which occurs only every three years.

Mr. NORRIS. That makes the proposition plain.

Mr. COX of Indiana. Mr. Chairman, I will ask the gentleman in charge of the bill, What is the excise board? What has it to do with the property of the District of Columbia?

Mr. GARDNER of Michigan. Primarily the determination of the liquor licenses.

Mr. COX of Indiana. I see this bill makes the assessor the chairman of that board.

Mr. GARDNER of Michigan. Yes; the assessors are members of that board. That is a part of their duties continuously.

Mr. COX of Indiana. Is this excise board in continuous session, or only occasionally?

Mr. GARDNER of Michigan. It is a continuing board, but not in continuous session.

Mr. COX of Indiana. How much of its time is occupied while sitting as a board?

Mr. GARDNER of Michigan. I can not say as to that, but the presumption is that there may be applications for liquor licenses at any time.

Mr. COX of Indiana. How much of the assessor's time is taken up by his being chairman of that board?

Mr. GARDNER of Michigan. It will be easy for the gentleman to see that a member of this committee, unless he has gone specifically into that thing—which is surely a question of administration which we ought to leave to the various boards, because it would produce an infinite amount of detail, much of it valueless—would be unable to answer that question; and I am very frank to say that I do not know anything about how much, and that would be true of a multitude of other matters of information and detail.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For engineer's office, record division: For engineer of highways, \$3,000; engineer of bridges, \$2,100; superintendent of streets, \$2,000; superintendent of county roads, \$1,500, and \$500 additional as assistant engineer in Rock Creek Park; superintendent of sewers, \$3,000; inspector of asphalts and cements, \$2,400 (Provided, That the inspector of asphalts and cements shall not receive or accept compensation of any kind from, or perform any work or render any services of a character required of him officially by the District of Columbia to, any person, firm, corporation, or municipality other than the District of Columbia); assistant inspector of asphalts and cements, \$1,500; superintendent of repairs, \$1,500; superintendent of trees and parkings, \$1,800; assistant

superintendent of trees and parkings, \$1,000; assistant engineer, \$2,200; assistant engineer, \$2,100; 4 assistant engineers, at \$1,800 each; 1 assistant engineer, \$1,600; 5 assistant engineers, at \$1,500 each; 1 assistant engineer, \$1,350; 1 assistant engineer, \$1,200; 2 transit men, at \$1,200 each; 1 transit man, \$1,050; 4 rodmen, at \$900 each; 8 rodmen, at \$780 each; 12 chainmen, at \$650 each; 2 draftsmen, at \$1,350 each; 2 draftsmen, at \$1,200 each; 1 draftsman, \$1,050; 1 general inspector of sewers, \$1,300; 1 inspector of sewers, \$1,200; 1 bridge inspector, \$1,200; 2 inspectors, at \$1,500 each; 3 inspectors of streets, at \$1,200 each; 3 inspectors, at \$1,200 each; 1 inspector, \$1,000; 1 inspector, \$900; 12 foremen, at \$1,200 each; 1 foreman, Rock Creek Park, \$1,200; 3 subforemen, at \$1,050 each; 1 foreman, \$1,050; 10 foremen, at \$900 each; 1 bridge keeper, \$650; 3 bridge keepers, at \$600 each; 2 inspectors of property, at \$936 each; 2 property yard keepers, at \$1,000 each; 1 inspector of material, \$1,200; chief clerk, \$1,900; clerk, \$1,800; clerk, \$1,600; 2 clerks, at \$1,500 each; permit clerk, \$1,500; assistant permit clerk, \$1,000; index clerk and typewriter, \$900; 2 clerks, at \$1,400 each; 2 clerks, at \$1,350 each; 5 clerks, at \$1,200 each; 1 clerk, \$1,050; 2 clerks, at \$1,000 each; clerk, \$900; clerk, \$840; 2 clerks, at \$750 each; clerk, \$620; clerk, \$600; 7 messengers, at \$540 each; 2 skilled laborers, at \$600 each; skilled laborer, \$625; janitor, \$720; principal steam engineer, \$1,800; 3 steam engineers, at \$1,200 each; 3 assistant steam engineers, at \$1,050 each; 6 oilers, at \$600 each; 6 firemen, at \$875 each; inspector, \$1,400; storekeeper, \$900; superintendent of stables, \$1,500; blacksmith, \$975; 2 watchmen, at \$630 each; 2 drivers, at \$630 each; driver, \$540; inspector of gas and meters, \$2,000; assistant inspector of gas and meters, \$1,000; assistant inspector of gas and meters, \$840; messenger, \$540; boss carpenter, \$1,200; boss painter, \$1,200; boss tinner, \$1,200; boss plumber, \$1,200; boss steam fitter, \$1,200; boss grader, \$1,000; municipal architect, whose duty it shall be to supervise the preparation of plans for and the construction of all municipal buildings and the repair and improvement of all buildings belonging to the District of Columbia under the direction of the engineer commissioner of the District of Columbia, \$3,600; and all laws or parts of laws placing such duties upon the inspector of buildings of the District of Columbia are hereby repealed; in all, \$200,062.

Mr. MACON. Mr. Chairman, I reserve the point of order against the language beginning with "municipal architect," on page 13, line 24, and ending on page 14, line 7, with the word "repealed," for the purpose of making the point of order at the proper time, if the gentleman in charge of the bill can not explain the matter satisfactorily.

Mr. MANN. Mr. Chairman, I reserve the point of order on the entire paragraph.

Mr. MACON. My point of order, the gentleman from Michigan [Mr. GARDNER] will understand, is against the creation of a new office—a municipal architect, at a salary of \$3,600. Is not that a new office that is being created?

Mr. GARDNER of Michigan. Mr. Chairman, in reply to the gentleman, I would say that the inspector of buildings has, as a matter of fact, been to a very large extent the municipal architect. It is well known that there has been a great deal of criticism of him personally and of the conduct of the office. The board of education requested that there be an architect employed purely for the purpose of constructing school buildings. It is believed that a municipal architect will be able to do the duties both for the school board and the municipality at large, and release to that extent the inspector of buildings for the purpose designed in the creation of that office.

Mr. MACON. Is the work of the inspector of buildings so great that he can not attend to it. Has it outgrown him?

Mr. GARDNER of Michigan. Substantially, that is the theory advanced.

Mr. BURLESON. Mr. Chairman, I will state to the gentleman from Arkansas [Mr. MACON] that recently we have had several unfortunate accidents to buildings in course of erection in the city, which directed attention to the fact that the building inspector's force is overburdened with work, and the District Commissioners urge the creation of this new office in order that the building inspector's force might be relieved of the work to be done by this municipal architect, which is now imposed upon the inspectors under the law; and instead of increasing the inspecting force, which is adequate for ordinary purposes of inspection, we create this new office and relieve the inspector's division of the duties imposed upon it by this work to be done by the architect. It is the most economical way and satisfactory way of handling the situation.

Mr. GARDNER of Michigan. Right along the last remark of the gentleman from Arkansas, that it is the most economical way of doing it, I would say that the present method of conducting the business is to employ outside architects and pay them 3 per cent or more or less in individual cases. It is believed that if the proper officer is secured to perform the duties expected of him, it would result in a material saving. In other words, that as against employing outside architects at a per centum, he will save his salary several times in the course of the year.

Mr. MANN. Mr. Chairman, I understood the gentleman to say that the present method was to employ outside architects upon the basis of 3 per cent commission?

Mr. GARDNER of Michigan. Yes.

Mr. MANN. Is the gentleman sure about the commission? That is a very small commission for architect's services.

Mr. GARDNER of Michigan. That, I think, is about the minimum.

Mr. MANN. And I should say that 3 per cent commission would not cover the cost of preparing the plans and specifications and inspecting the work at all. I doubt whether it is done for 3 per cent, and if it be true, if the gentleman be right that it is done for 3 per cent, this will not save any money, because nobody can do this work for less than 3 per cent of the cost.

Mr. GARDNER of Michigan. Mr. Chairman, I find that either I misstated myself or that the gentleman from Illinois has misunderstood me. It is 3 per cent for the preparation of the plans, not for the supervision of the buildings after the plans are being put into execution.

Mr. MANN. Well, 3 per cent for the preparation of plans is not an exorbitant amount for architect's services. The actual work of preparing plans and specifications for a building is very great, as the gentleman will ascertain if he studies the offices of architects.

Now, who selects these architects at present?

Mr. GARDNER of Michigan. I presume the Commissioners of the District in their collective capacity.

Mr. MANN. Who has charge of the construction of school buildings in the District, the District Commissioners or the school board?

Mr. GARDNER of Michigan. The District Commissioners with the inspector of buildings in consultation with the school board.

Mr. MANN. Of course under this provision the school board would have nothing to say about it.

Mr. GARDNER of Michigan. Oh, they would be consulted, no doubt.

Mr. MANN. Why would they be consulted? They might be consulted, but they would not have to be consulted.

Mr. BURLESON. They always are consulted.

Mr. MANN. I do not know whether they are or are not, or whether they ought to be, but this provision undertakes to give absolute control over the construction of new school buildings, or the repair and improvement of all the old school buildings, or the repair and improvement of any other building, to one officer at a salary of \$3,600. It can not be done if it is tried, and ought not to be, in my opinion.

Mr. BURLESON. I will say to the gentleman from Illinois that it is not the intention that this municipal architect shall supervise the construction of all school buildings, or that he shall prepare plans for all the school buildings to be erected in the District. It is contemplated that he shall do about one-half of this work. The commissioners would still employ outside architects for the larger buildings, because they do not want all the school buildings of the District of Columbia to be turned out of the same mold; they want some variety in the architectural design, and it is contemplated that outside architects shall be employed in probably, as I now recollect, 50 per cent of the school buildings to be erected in the District.

Mr. MANN. Well, I think the gentleman and I agree. Now will the gentleman explain the meaning of this language:

Municipal architect, whose duty it shall be to supervise the preparation of plans for and the construction of all municipal buildings and the repair and improvement of all buildings belonging to the District of Columbia.

Mr. BURLESON. Well, it would seem the language read would impose upon the architect the duty of supervising all; but that was not contemplated by the committee, as I recall it, though I am not positive about it, but I think the hearings will disclose that it was intended that this official would prepare the plans of only about 50 per cent of the school buildings.

Mr. GARDNER of Michigan. If the gentleman from Texas will allow me to read from Commissioner Morrow's hearing, page 19, near the bottom of the page. He said:

We do not intend that this man—

The municipal architect—

shall do all of the architectural work of the District. He will probably design half of the school buildings. Probably a quarter of the school buildings are now designed in the office of the inspector of buildings. He will simply employ architects and supervise their work.

Mr. BURLESON. That answers the question of the gentleman from Illinois. I would now like his further attention for a moment. The hearings show that outside architects are to be employed to act under the supervision of the municipal architect.

Mr. MANN. Do I understand that under this proposition, where the municipal architect is to be employed at a salary of \$3,600 a year, we are still to continue to pay these outside men, which the gentleman from Michigan assured us we would not pay?



Mr. GARDNER of Michigan. Mr. Chairman, if the gentleman would have given attention instead of visiting with some neighbor—

Mr. MANN. I do not think anybody in the House can accuse the gentleman from Illinois of not giving attention.

Mr. GARDNER of Michigan (continuing). He would have been fully enlightened. Did the gentleman hear and apprehend and comprehend the statement of Major Morrow?

Mr. MANN. Yes; but I take the wording of the bill against the statement of somebody before your committee about what they mean and the statement of the gentleman from Michigan himself. The gentleman from Michigan stated the purpose of this was to have this man prepare all the plans and pay him, saving several times the salary by saving the 3 per cent commission. I stated in reply that it would cost 3 per cent to make the plans. Now, the purpose is to pay the salary and the commissions besides.

Mr. GARDNER of Michigan. I think the gentleman is a little at fault there, or else the gentleman from Michigan mis-spoke himself when he said "all the plans." Now, in regard to the cost. I apprehend they are paying out from 2½ to 3½ per cent for plans, averaging probably 3 per cent. Five per cent is the maximum where they do the work of designing the plans and supervising the construction.

Mr. MANN. It is an architect's usual commission.

Mr. MACON. Mr. Chairman, unless the gentleman in charge of this bill can assure me that all this 3 per cent business will be stopped, I am going to insist upon my point of order.

Mr. GARDNER of Michigan. I do not quite get the statement of the gentleman from Arkansas.

Mr. MACON. I say that unless the gentleman from Michigan [Mr. GARDNER], who is in charge of this bill, can assure me that all of this 3 per cent commission business is going to stop in connection with municipal architectural work, I am going to insist on my point of order, for I am strictly opposed to the idea of creating new offices or increasing salaries in almost every paragraph of the annual appropriation bills.

Mr. GARDNER of Michigan. Mr. Chairman, I may say, in a general way, that this bill is surprisingly free from the creation of new offices and the increasing of salaries or the reduction of salaries. Occasionally, as the exigencies have developed in the course of the hearings, some changes have been made. I am sure the gentleman from Arkansas [Mr. MACON] will not insist on the chairman of the committee pledging the committee and the Congress that the new municipal architect shall perform all the duties of that office in the way of originating all plans and the supervision of the construction of buildings. I think it entirely safe to say that with a probable appropriation of from \$650,000 to \$1,000,000 for school buildings alone it is not within the power, physically speaking, of any one man to do all of that work. At the same time your committee does believe that this office is in the interest of economy and efficiency both.

Mr. MANN. Did the gentleman have any hearings of the members of the school board on this item?

Mr. GARDNER of Michigan. I think there are hearings of the school board incidentally touching this, if not this year, within two or three years preceding. As I stated earlier, they want a school-board architect, pure and simple.

Mr. MANN. Under their control?

Mr. GARDNER of Michigan. Absolutely.

Mr. MANN. That is the reason they want it?

Mr. GARDNER of Michigan. Absolutely.

Mr. MANN. I undertake to say I do not know which is right, but it seems to me we ought to consider very seriously the proposition to have the construction of the school buildings solely under the control of the District Commissioners, under an architect responsible to the District Commissioners, who is not required to consult the school board about anything.

Mr. GARDNER of Michigan. I may say, Mr. Chairman, that practically members of the school board have been consulted constantly and changes have been made in accordance with their suggestions. This matter has been gone into, not only this year but other years, with a great deal of care, and this provision is a result of the best judgment of the Committee on Appropriations.

Mr. BOWERS. Will the gentleman from Arkansas yield to me now?

Mr. MACON. Certainly.

Mr. BOWERS. I am thoroughly in sympathy with the gentleman in his opposition to new offices, and I think if he will examine this bill and the bill that was reported for the maintenance of the District of Columbia last year, or if he will peruse the newspapers of this city published since this bill was reported to the House, he will be satisfied that it is characterized by the most rigid economy.

Mr. MACON. I want to say "amen" to that statement right now.

Mr. BOWERS. I do not think, therefore, that any criticism as to the creation of new offices can fairly be leveled at this bill. Now, as to the gentleman's suggestion that he will insist upon his point of order unless he can be absolutely assured that all of the "present per cent business" will be done away with, I say to him frankly that as a member of the committee and of the subcommittee that considered this bill, we can not by the creation of this office and the putting of these duties on this officer dispense with all the outside architects who are employed to make plans and do work.

Mr. MACON. Does it dispense with any appreciable number?

Mr. BOWERS. We can dispense, and will dispense, as we believe, with a great part of it, with infinitely more in amount than the salary of this officer. And it was in the interest of economy and with a view of reducing the expenses of the District that this provision was incorporated in the bill. Let me call the gentleman's attention again to what the engineer commissioner of the District, Major Morrow, had to say on that point:

We do not intend that this man shall do all the architectural work of the District.

He could not do it all.

He will probably design half of the school buildings. Probably a quarter of the school buildings are now designed in the office of the inspector of buildings.

In addition to that, I may say, he will design half of the structures needed for the municipality.

He will supervise the other work in addition to the work that he does in the preparation of the plans here. That is the most that we can get, and it seems to me it justifies the provision.

Mr. COX of Indiana. Will the gentleman allow me to ask him a question?

Mr. BOWERS. Certainly.

Mr. COX of Indiana. Suppose that this bill with the language in it becomes law; and suppose that the municipal architect insists upon his right to make all the plans for all the municipal buildings. Do you not believe it to be a fact, under authority of this bill, that he would have exclusive right to do it to the exclusion of everybody else?

Mr. BOWERS. I will say in response to that that I think the matter would be up to the Commissioners of the District.

I do not think there is any right vested in the municipal architect to do all the work required by this provision. In fact, I do not believe the provision requires him to do it, and if we should require him to do so it would be fruitless, because I do not believe he could do it all; and if after one year's trial it transpires that this is not justified, that he is not doing the work we expected him to do, it would be very easy to strike out the appropriation from the next bill, and nobody would be more ready to do it than the committee which originated it.

Mr. MACON. I have not seen any appropriations of this character dropped when once they are established.

Mr. BOWERS. If you pass this bill with this provision in it and the occasion ever requires it, you will see it.

Mr. MACON. The gentleman from Mississippi may have the very best intentions on earth to do that very thing, and I believe his intentions are good, but there are others on the committee besides him, and they are in the majority. [Laughter.]

Mr. MANN. Is not this the inevitable result in all propositions of this kind, whether they be right or wrong? If this architect's office is created, he has to have plans and specifications prepared. He takes the expense of them out of the appropriation for the building. So there is no provision made for these expenses of the office.

Mr. BOWERS. That will be done on the outside.

Mr. MANN. Well, he has an office force. If the office force finish one building, will they seek an opportunity to be discharged or an opportunity for continued service?

Mr. BOWERS. I assume they could continue designing the buildings and doing the other work.

Mr. MANN. The next thing that we would find would be that he required an enlargement of that force. So that in a few years we will have an office force for the entire matter, I take it.

Mr. BOWERS. Suppose we do have such a force. Will they not be discharging the duties that will be required?

Mr. MANN. I was calling attention to the gentleman's proposition that 25 or 50 per cent of the buildings would have their plans prepared by this architect and the rest by outside architects.

Mr. BOWERS. We are informed that in many places, indeed, in a majority of the places where such an official exists, that the aid of outside architects is constantly called in; that no one man designs all the buildings that are needed, and that

it would be undesirable for one architect to design all if for no other reason because you want a variety in architecture and not the sameness of idea permeating all the buildings of a great city.

Mr. MANN. The gentleman does not believe that to be desirable?

Mr. BOWERS. No; I do not.

Mr. MANN. And yet the committee of the gentleman reports a bill to the House for the Supervising Architect of the Treasury, who constructs buildings all over the United States, and not one of the plans is prepared outside of the Supervising Architect's office.

Mr. BOWERS. The office of the Supervising Architect?

Mr. MANN. Certainly.

Mr. BOWERS. Why my understanding is that he advertises, and plans are made by architects all over the country and submitted to that office and adopted by him.

Mr. MANN. Oh, I know that once in a while that is done. The plan of the Chicago post-office was prepared by an outside architect, authorized by a special act of Congress. Once in a while they do provide by a law authorizing it, but it is not generally the case.

Mr. HARRISON. Does the gentleman believe that you can have the services of a competent architect for \$3,500 a year?

Mr. BOWERS. I think the District can have the benefit of the skill that is needed to do the work in a position of this kind for that salary. He will certainly be able to make the plans for the smaller school buildings and other buildings of that kind, and if the salary is not sufficient, then the commissioners, who have recommended this provision, have woefully underestimated what the salary should be, and it will be the only case of underestimation by them which this committee has discovered.

Mr. HARRISON. Is the gentleman familiar with the work that is done by like men in other cities? In New York State we have a state architect. Is the gentleman aware of what he gets?

Mr. BOWERS. No.

Mr. HARRISON. He gets a salary, and has been known also to collect bills for service as architect. What guaranty is there that this will not occur under the provisions of this paragraph?

Mr. BOWERS. I do not believe that would be possible here. I do not believe that practice would be tolerated for an instant here.

Mr. GARRETT. Just one question.

Mr. BOWERS. I can not say what the New York practice is, but I do not think such a practice as that would be tolerated here for an instant.

Mr. HARRISON. I think this proposition opens the door for all kinds of bills and expenses in the future.

Mr. GARRETT. The gentleman from Mississippi intimates that there might be some danger of this architect drawing the designs for all the buildings in the city. Does the gentleman from Mississippi not think that there would be more danger of his not drawing any of the plans rather than all the plans?

Mr. BOWERS. I do not think he is going to overwork himself. I think he will do a fair and proper amount of work. I think he will do what he ought to do, and not more than that.

Mr. GARDNER of Michigan. I understood the gentleman from Illinois [Mr. MANN] to say that the plans for all federal buildings are made down here in the office of the Supervising Architect. Am I correct?

Mr. MANN. What the gentleman from Illinois stated was that there were cases where they had been made by outside architects, and that the law authorized it, but that as a matter of fact at present they are invariably made, as I understand, in the office of the Supervising Architect.

Mr. GARDNER of Michigan. If the gentleman means to-day, I can not say; but I do know that the plans for the last public building erected in the district that I represent were made entirely in the city of Detroit. Not only that; there is a general law authorizing the Supervising Architect to employ outside talent for preparing plans for federal buildings.

Mr. BOWERS. And they do that.

Mr. GARDNER of Michigan. The act known as the "Tarsney Act," introduced by a distinguished former Member of this House from my own State, is the law to which I refer.

Mr. MACON. Mr. Chairman, I am afraid that if this act is allowed to create this new office, it will not be more than a year or two before we will have some kind of an assistant architect established. I notice here in this bill we have an assessor to be appropriated for and then we have two assistant assessors. They are on page 6. On page 8 I notice that we have a corporation counsel whom we pay \$4,500, and then we appropriate so much for a first assistant corporation counsel, so much for

a second assistant corporation counsel, so much for a third assistant corporation counsel, and so on. I believe that if we allow this new office to be created here, it will only be a very short time before we shall have to pay not only \$3,600 for a municipal architect, but so much for a first assistant municipal architect, so much for a second assistant architect, and so on. For fear that is the course which will be taken in connection with this matter, I will insist on my point of order and stop it at the very beginning.

Mr. GARDNER of Michigan. I hope the gentleman from Arkansas will not insist on his point of order at this moment.

Mr. MACON. I will withhold my point of order.

Mr. GARDNER of Michigan. Let me say to the gentleman that he builds up objections that may arise in the future, and cites assistants for the district attorney as examples. Why, there is not a populous county in the United States that has not its attorney and its assistant attorney, and more than one assistant where necessary. The reason for this is that it is not possible for one lawyer to be in several different courts at the same time, or to attend to all the business. Precisely so with the assessor's office. You may conjure up, if you wish, any kind of objection and defeat any proposition in that way if you choose. I am not here to say that the time may not come when this city shall have half a million or a million inhabitants, a condition of things that is not very far away, when the necessity will demand an assistant municipal architect; and when he is necessary he ought to be provided for; but "sufficient unto the day is the evil thereof." Provide for the necessities now. I say to the gentleman from Arkansas that his objections are purely speculative. The committee has gone into this proposition with the greatest care, not only at this session, but in preceding hearings, and we have given to you our very best judgment for the welfare of the city and for economy in the administration of municipal affairs. I hope the gentleman will not insist on his point of order.

Mr. MACON. Mr. Chairman, I dislike very much to object to anything that the gentleman from Michigan favors, because I believe he is very conscientious in his desire to do right, and that is all any man can do. No one ought to be asked to do more than that. The gentleman from Mississippi, I believe, purposes to do right, and I may say the same about all of the other members of the Appropriations Committee. But, sir, I want to insist that they have from time to time, since I have been a Member of this House, brought in propositions to create new offices or to increase salaries that they have stated were absolutely necessary, and I have been instrumental in having some of these increases stopped—I have been instrumental in having some of these intended offices fail of creation—and yet the affairs of the Government have gone on just as efficiently as before; so I have concluded that it is not absolutely necessary for the proper conduct of the affairs of the Government of the United States to allow every office to be created that the members of the Committee on Appropriations may have in mind or desire to have created; that it is not absolutely necessary for the proper conduct of the affairs of this great Nation to have every salary increased that the Committee on Appropriations desires to have increased.

In reply to what the gentleman from Michigan has said about assistants for nearly all officers, I want to say that I have known of some public officers who did not have assistants. I myself had the honor to serve a circuit of five large counties in my own State, and we have some criminals—I have heard it stated that Arkansas had some criminals in it, and especially in that part of it in which I happen to live, known as the "black belt," on the Mississippi River—but I did not have an assistant. So I believe it is possible for a public official to get along without assistants if he will do something himself; and, sir, I am inclined to think, from what I have heard on both sides of this question, that it is possible for this government to get along without this new office, and for that reason I am going to insist on my point of order.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order against the whole paragraph?

Mr. MANN. I would like, first, to ask the gentleman in reference to the provision in the bill, on page 10, concerning the inspector of asphalt and cement, which as it stands is subject to a point of order, although I do not feel disposed to make the point of order; but there has been so much said lately in regard to a scandal in the District that I wish the gentleman in charge of the bill, or some other member of the committee, would give us some authoritative statement on the subject.

Mr. GARDNER of Michigan. The gentleman says page 10 of the bill. We have passed that.

Mr. MANN. I was asking about this so-called scandal, if it be one. I do not know that it is a scandal. But it concerns the



measurement of asphalt and cement under the jurisdiction of this inspector. What information can the gentleman give us?

Mr. GARDNER of Michigan. I think that has nothing to do with this provision.

Mr. MANN. I am not at all certain that it has; but whether it has or not, this provision came into the bill about the time that scandal commenced.

Mr. GARDNER of Michigan. Allow me to say that this provision has been in the bill for some time.

Mr. MANN. Several years.

Mr. GARDNER of Michigan. It originated in this way: It was thought that the inspector was not only serving the Government of the United States in his office as inspector, but serving himself in giving his opinion in regard to certain properties, and accompanying that opinion, either authoritatively or suggestively, as a Government guaranty, that it was what it purported to be; and this was put in to correct that. It had nothing whatever to do with the so-called scandal with reference to resurfacing asphalt.

Mr. MANN. I do not know whether it had or not.

Mr. GARDNER of Michigan. I say it had not when it was put in.

Mr. MANN. Oh, I understand that.

Mr. GARDNER of Michigan. So far as I know, it had not then and has not now.

Mr. MANN. Is the scandal the result of this provision in the bill?

Mr. GARDNER of Michigan. Not in the least, as I understand it.

Mr. MANN. Well, the gentleman has had the District Commissioners before the committee and this subject must have been referred to. It is claimed that the District lost \$50,000 or \$60,000 by false measurement. I do not wish to obtain any information which is secret or which the commissioners intend to use on the trial, but if it is public I think we ought to know about it.

Mr. GARDNER of Michigan. I will say that to which the gentleman refers became known to the committee and to the country after this bill was reported and had gone to the printer.

Mr. BURLERSON. I will state that the gentleman from New York [Mr. FITZGERALD] is the author of that provision.

Mr. MANN. I understand that; I talked with the gentleman from New York before it was put in the bill. I was disposed to make a point of order then, but upon his representation of the need of it I did not do it, because of the confidence I have in the judgment of the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, the inspector of asphalt and cement in this city had a laboratory provided by the Government and was doing this work for the District. It was ascertained that he was also being held out as a federal expert and going about the country doing this work in other cities. The committee thought that it was improper that a man in the employ of the municipal government should be held out as a United States expert and going about engaging in private enterprise. I thought so then, and I think so now. I think in work of that character it is improper that an employee of the municipality or of the District, provided with a laboratory by the Government, should be advertising as an expert of the United States Government and going about the country doing similar work for individual corporations, either public or private.

Mr. MANN. As I understand, and as I remarked before, I have very great confidence in the judgment of the gentleman from New York [Mr. FITZGERALD], but he put this provision in to head off a particular individual at the time.

Mr. FITZGERALD. It happened that at that time the then inspector was doing that work.

Mr. MANN. He was the same inspector who at that time agreed upon the measurements under which the District now claims it has been defrauded out of fifty or sixty or seventy thousand dollars.

Mr. FITZGERALD. I know nothing about that except what I saw in the public press, and that was to the effect that the boxes, or whatever they are, in which they measure asphalt were found to contain more or less, whichever way it would work out, than it was supposed, and that the District was paying for more than it was really getting. I have understood from what I have seen in the public press that it is claimed the contractor has collected over \$70,000 in excess of the amount he would have been entitled to if the measurements had been correct.

Mr. MANN. Very well. Mr. Chairman, I understand the gentleman from Arkansas insists on his point of order, and I shall withdraw the point of order as against the whole paragraph.

The CHAIRMAN. Very well. The Chair will then consider the point of order of the gentleman from Arkansas. We have a rule, with which the committee is familiar, against changing existing law in an appropriation bill or any amendment thereto. This bill, in the 5th line, on page 14, provides for the repeal of all laws or parts of laws doing certain things. Of course anything which curtails something by cutting its head clear off changes it, and the point of order is sustained. The Chair will ask how far the point of order extends?

Mr. MACON. It commences with the words "municipal architect," on line 24, page 13, and extends down until the word "repealed," in line 7.

The CHAIRMAN. The point of order is sustained. Without objection, the total will be changed to accord with the facts.

Mr. MACON. Mr. Chairman, I move to strike out the last word. Without any intention of throwing bouquets, I simply desire to congratulate the gentlemen who compose the subcommittee on appropriations which brought in this bill for its cleanness. I also desire to congratulate the country, a small part of which I represent, upon having such a subcommittee, for they have brought in an appropriation bill consisting of 104 pages, and I have gone through it, beginning with the first line and ending with the last, and notwithstanding I have a slight disposition to make points of order now and then when I find anything in an appropriation bill that I do not think ought to be in it, I must confess that the point I have just made, and which has been sustained, is the only one, in my humble judgment, to be found within the pages of this measure that ought to be made against it.

The CHAIRMAN. The Clerk will read.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WANGER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LONG, Mr. HALE, and Mr. McENERY as the conferees on the part of the Senate.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Department of Insurance: For superintendent of insurance, \$3,500; examiner, \$1,500; statistician, \$1,500; clerk, \$1,000; stenographer, \$720; temporary clerk hire, \$900; in all, \$9,120.

Mr. GARDNER of Michigan. Mr. Chairman, I desire to correct an error made under a misapprehension in this paragraph, and I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 16, page 15, strike out "nine hundred" and insert "twelve hundred." In the same line strike out "one" and insert "four."

Mr. MANN. Mr. Chairman, I will ask the gentleman if he proposes to make it what it was last year?

Mr. GARDNER of Michigan. Yes. They asked for another officer, and we refused that, and at the same time, under a misapprehension, reduced the amount. We simply restore what we had last year, without an additional officer.

The CHAIRMAN. The question is on the two amendments offered by the gentleman from Michigan, which, without objection, will be considered together.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

For services of temporary draftsmen, computers, laborers, additional field party when required, purchase of supplies, care or hire of teams, purchase and maintenance of a motor vehicle, \$5,000; all expenditures hereunder to be made only on the written authority of the Commissioners of the District of Columbia, and may include the purchase of a motor vehicle at a cost not exceeding \$1,500, said vehicle to be driven by a member of the field party using the same.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice that the gentleman does not increase the amount that is appropriated for this service, but does provide that \$1,500 of the \$5,000 shall be used for motor-vehicle purposes. How much of this \$5,000 is ordinarily used?

Mr. GARDNER of Michigan. So far as I know, substantially the whole of it; but it is believed, and this was put in the bill by the clear statement of the engineer commissioner, that it would add greatly to the economy of the service if they could have the motor vehicle. As is known, they go over the various parts of the District of Columbia at points widely divergent. They now employ a horse or horses and drive, taking the men with them, and the horses are weighted, and the men go on with the work.

Mr. MANN. They had authority this year to purchase a motor vehicle.

Mr. GARDNER of Michigan. They did not purchase it, and ask that they might purchase one.

Mr. MANN. I can not see what this last provision amounts to. There was a provision in the bill last year authorizing them to purchase a motor vehicle, but I judge they had not money enough. Now, you put in the same authority and then put in express authority to use \$1,500, but do not add anything to the appropriation.

Mr. GARDNER of Michigan. Out of the lump sum.

Mr. MANN. They could have done that without this last provision.

Mr. GARDNER of Michigan. They did not.

Mr. MANN. I suppose they did not have money enough. If it is desirable to purchase a motor vehicle, why did we not appropriate money enough to permit them to get it?

Mr. BOWERS. The appropriation was increased last year by \$3,000. The increase is from \$5,000 to \$8,000, and the reason for the concluding language is to limit the price that might be paid. Part is cared for by the increase of work, and the statement of the engineer commissioner is that this will accomplish about 50 per cent more work, or twice as much work, in outlying sections. The appropriation for 1909 was about \$5,000.

Mr. MANN. That is what it is now. It is \$5,000 now, and there is no need of an increase—

Mr. BOWERS. I see the gentleman is right. I was misled by the estimates.

Mr. MANN. Exactly what I wanted to call attention to. The estimate is undoubtedly larger. I do not know whether they need a motor vehicle or not. If it is economy to let them have it it is economy to give them money enough to purchase it.

Mr. GARDNER of Michigan. Was that cleared up?

Mr. MANN. Not at all; the gentleman finds he was in error.

Mr. GARDNER of Michigan. I think I can make that clear to the gentleman. There were three assistant engineers, at \$1,500 each, last year—

Mr. MANN. But I am not talking about assistant engineers.

Mr. GARDNER of Michigan. Hear me a moment, please. This bill carries three assistant engineers, at \$1,500. The same amount is appropriated for them, but the \$1,500 is allowed to stand and is used in the purchase of a motor vehicle, there being at this time but two assistant engineers paid out of this.

Mr. MANN. If there is \$5,000 for this, why did not they purchase one out of the existing appropriation?

Mr. GARDNER of Michigan. I think I could not have made myself clear to the gentleman.

Mr. MANN. You certainly have not made yourself clear to me on that point. They have \$5,000 under the current appropriation law, with authority to purchase a motor vehicle. Now you propose to give \$5,000 in the next appropriation, with authority to purchase a motor vehicle, with especial authority to use \$1,500 to purchase that motor vehicle.

Mr. GARDNER of Michigan. Now, if the gentleman will be kind enough to pay attention, I will see if I can not make myself understood. They have now two assistant engineers. This bill provides for three—

Mr. BOWERS. I will state to the gentleman from Illinois that if he will read a copy of last year's bill he will find that there is no provision in that bill for a motor vehicle.

Mr. MANN. I find that is true. That was not so marked on my copy of the bill, but the appropriation is the same. If the gentleman is satisfied, I have no reason to complain, but it is perfectly clear you have authority to use an appropriation for the current year, or else you have not got enough for the ensuing year if you are going to use one-third for the purchase of a motor vehicle.

Mr. GARDNER of Michigan. Allow me to say—I think the gentleman will bear with me for a moment—we carried one assistant engineer on the per diem roll last year at \$1,500. Now, that \$1,500 remains in this bill, but the engineer on the per diem roll last year is paid out of the other sum, leaving \$1,500 to be used for the purchase of a motor vehicle, which amount last year was paid for an engineer on the per diem roll.

Mr. MANN. Well, do I understand they pay an engineer on the per diem roll out of an appropriation providing for the services of temporary draftsmen, computers, laborers, additional field parties when required, purchase of supplies, care or hire of teams, and so forth?

Mr. GARDNER of Michigan. I understand they may do that; yes, sir.

Mr. MANN. Very well, though I would say it was a clear evasion of the law.

The Clerk read as follows:

For fuel, lighting, fitting up building, including lunch-room equipment, and other contingent expenses, \$7,500.

Mr. MANN. Mr. Chairman, I reserve a point of order on the last paragraph. I would like to ask the gentleman in charge of the bill what this lunch-room equipment is?

Mr. GARDNER of Michigan. Mr. Chairman, there is quite a force of employees at the city library. Some of them live at a considerable distance from where their work requires them to be. Their hours of service do not allow them to go home and get a warm meal. In a room there, not otherwise occupied, there has been provision made where they can make a cup of coffee or tea if they desire to do so. Out of a fund left over in the building of the library this was instituted and has been found a great convenience and conducive to the health and comfort of the employees. I may say that they are paid at a low rate of compensation as compared with many others here in the city, and it is in the interest of health that it is done.

Mr. MANN. What is this lunch-room equipment to cost?

Mr. GARDNER of Michigan. A very small sum.

Mr. BOWERS. It is to replace some dishes and cooking utensils.

Mr. GARDNER of Michigan. A very small sum, whatever it is.

Mr. MANN. I am not so sure. What reason is there which the gentleman can give for providing lunch-room equipment in the Public Library building that can not be given for providing lunch-room equipment in every public building in Washington?

Mr. BOWERS. In reply to the gentleman's last suggestion, the reason as stated by the librarian is that with these employees the hours of some begin in the afternoon and run on continuously into the night, thereby depriving them of the opportunity to go home and get dinner. So they are furnished facilities there for taking their own material, their own food, and putting it into edible shape so that they can have a warm meal in the evening. I am giving the gentleman the librarian's statement of it.

Mr. MANN. There is no caterer maintained there?

Mr. BOWERS. None, as I understand. There are simply facilities for them to heat their own meals.

Mr. MANN. I withdraw the point of order.

Mr. GARDNER of Michigan. On this point I want to say that it involves no increase in the appropriation, but authorizes these purchases to be made under a fund already provided.

Mr. MANN. The fact that it involves no increase in appropriation is no argument at all, because whenever you expend money it involves an increase of expenditure.

The CHAIRMAN. The point of order being withdrawn, the Clerk will read.

The Clerk read as follows:

No part of the money appropriated by this act, except appropriations for the militia, shall be used for the purchase, livery, or maintenance of horses, or for the purchase, maintenance, or repair of buggies or carriages and harness, except as provided for in the appropriation for contingent and miscellaneous expenses or unless the appropriation from which the same is proposed to be paid shall specifically authorize such purchase, livery, maintenance, and repair, and except also as hereinafter authorized.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman whether he would have any objection, as long as these limitations extend only to the old methods of transportation and we are now engaged in a new method of transportation, namely, by motor vehicles, to inserting the words "motor vehicles" in this, so as to read:

Or for the purchase, maintenance, or repair of motor vehicles, buggies, or carriages, and harness.

Is it not time to make this provision apply to motor vehicles as well as to horses and carriages?

Mr. GARDNER of Michigan. Mr. Chairman, I would say in reply to the gentleman that the committee determined to make an express provision wherever there was a variation.

Mr. MANN. But here is a limitation upon the use of money for these purposes unless it be specifically authorized. If that is not necessary, it ought not to be in here. If it is necessary, it does not apply to the purchase of motor vehicles.

Mr. GARDNER of Michigan. Well, I may say in answer to that, that no motor vehicle has been purchased without specific authorization.

Mr. MANN. Probably not. The gentleman may not be informed whether there has or not. I do not know. There had grown up a practice here of buying horses and carriages which the gentleman in charge of the bill knew nothing about.

Mr. GARDNER of Michigan. Well, I think I am safe in saying—

Mr. MANN. This does not merely apply to purchase, but to repair. Should we not know just as well in relation to motor vehicles as in relation to carriages?



I am not criticising the purchase of motor vehicles, but as long as you have commenced it, why not put it on the same basis as you do the others? I move, Mr. Chairman, unless the gentleman from Michigan wishes, to insert after the word—

Mr. GARDNER of Michigan. Just a moment. I would like to ask the gentleman whether that would not be an implied authority to purchase and repair automobiles out of some other provision than this when he makes this amendment?

Mr. MANN. Let me answer the gentleman by asking him a question. Does it imply such authority as that with reference to buggies and carriages as the express provision is? Now, that is the purpose of this limitation.

Mr. GARDNER of Michigan. Already the Commissioners may purchase horses, buggies, and carriages. If you put in this limitation, you endanger enlarging the scope rather than restricting it.

Mr. MANN. Let us see.

No part of the money appropriated by this act, except appropriations for the militia, shall be used for the purchase, livery, or maintenance of horses, or for the purchase, maintenance, or repair of buggies or carriages and harness, except as provided for in the appropriation for contingent and miscellaneous expenses, or unless the appropriation from which the same is proposed to be paid shall specifically authorize such purchase, livery, maintenance and repair, and except also as hereinafter authorized.

Now, under that provision the District Commissioners can not purchase horses unless it is specifically authorized in the bill. They can not purchase buggies or horses unless it is specifically authorized in the bill or an appropriation is made for that purpose. Now, the gentleman himself in the bill specifically authorizes the purchase of a motor vehicle. Why, then, should not that limitation cover motor vehicles and appropriations for that purpose? There is no distinction between a carriage and motor vehicle so far as standing before the law is concerned.

Mr. BOWERS. I think the comptroller has ruled that they can not purchase a motor vehicle out of a general, indefinite appropriation. He has held that a motor vehicle can not be purchased unless specifically appropriated for as such.

Mr. MANN. I undertake to say that there are a dozen items in this bill out of which you might purchase a motor vehicle at \$3,500.

Mr. BOWERS. The comptroller has held differently, and that there is a limitation on the purchase. But whether they can do it or not, the commissioners have come to the committee with the request for a specific authorization for the purchase of a motor vehicle, because of this very limitation put on the appropriations made heretofore. They authorized the purchase of vehicles in general terms, and even this has been held by the comptroller as insufficient to authorize the purchase of motor vehicles.

Mr. MANN. Oh, yes; certainly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I offer an amendment to insert, in line 20, page 19, after the word "of," the words "motor vehicles."

The Clerk read as follows:

Line 20, page 19, after the word "of," insert the words "motor vehicles."

Mr. MANN. That would put motor vehicles on the same plane as other vehicles.

Mr. GARDNER of Michigan. Mr. Chairman, allow me to read:

No part of the money appropriated by this act, \* \* \* shall be used for the purchase, livery, or maintenance of horses, or for the purchase, maintenance, or repair of buggies or carriages and harness, except as provided for in the appropriation for contingent and miscellaneous expenses, or unless the appropriation from which the same is proposed to be paid shall specifically authorize such purchase, livery, maintenance, and repair, and except also as hereinafter authorized.

Mr. MANN. But you do not name horses and carriages in this miscellaneous and contingent expense.

Mr. GARDNER of Michigan. What is the use of putting it in here? It is not named.

Mr. MANN. If you have a miscellaneous and contingent expense fund, general in its nature, without any restriction, you can purchase the best French motor vehicle you could buy anywhere.

Mr. GARDNER of Michigan. But it is restricted.

Mr. MANN. There is no restriction.

Mr. GARDNER of Michigan. The restriction is specifically stated here. If you put this in, it makes it universal.

Mr. MANN. But there is no restriction as to the purchase of motor vehicles out of that appropriation.

Mr. GARDNER of Michigan. The comptroller has made that restriction, and ruled upon it.

Mr. MANN. I take it that the comptroller has not ruled any such thing. The comptroller has ruled that an appropriation for a specific purpose can not be used for the purchase of motor

vehicles. Now, the appropriation for vehicles does not include motor vehicles.

But if you make an appropriation simply for contingent and miscellaneous expenses—\$25,000—they can purchase what they please out of that appropriation, and the comptroller has not otherwise ruled.

Mr. GARDNER of Michigan. I am authorized to say that he has made just such a ruling.

Mr. MANN. I am authorized to say that the appropriation is not what you are talking about; that it is not that kind of an appropriation.

Mr. GARDNER of Michigan. Question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and there were—ayes 14, noes 25.

Mr. MANN. If the committee will not accept a reasonable amendment of that sort, I think I shall have to make the point of no quorum.

The CHAIRMAN. The gentleman from Illinois makes the point that there is no quorum present. The Chair will count.

Pending the count,

Mr. MANN. Mr. Chairman, I will withdraw the point of no quorum. It is patent that there is no quorum here, and it is equally patent that the committee does not know a good thing when it sees it. [Laughter.]

The CHAIRMAN. The point of order being withdrawn, the amendment is rejected, and the Clerk will read.

The Clerk read as follows:

Repairs, streets, avenues, and alleys: For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to concrete pavements with the same or other not inferior material, of which sum \$50,000 shall be immediately available, \$300,000; and this appropriation shall be available for repairing the pavements of the street railways when necessary; the amounts thus expended shall be collected from such railroad company, as provided by section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected: *Provided*, That the Commissioners of the District of Columbia are hereby authorized, in their discretion, to expend not to exceed \$100,000 of the sum hereby appropriated in repairing such streets, avenues, and alleys as they may deem advisable by what is known as the heater method of repairs; and to enter into a supplemental contract for such repairs with the present contractor with the District of Columbia for work of resurfacing and repairing asphalt and coal-tar pavements, if a price satisfactory to said commissioners can be agreed upon between said contractor and said commissioners, and in the event that such a satisfactory price can not be agreed upon, the said commissioners are hereby authorized, in their discretion, to enter into a new contract for such work of repairs by the heater method, after competition, in an amount not to exceed \$100,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice an item in here which is subject to a point of order, in reference to the heater method of repairs. Will the gentleman give us some information about that?

Mr. GARDNER of Michigan. The gentleman from Texas [Mr. BURLESON] has given attention to that. I will ask him to answer the gentleman from Illinois.

Mr. BURLESON. What does the gentleman wish to know about it?

Mr. MANN. Anything.

Mr. BURLESON. It is a new process of repairing pavements.

Mr. MANN. That is what I supposed. I think we are entitled to some enlightenment.

Mr. BURLESON. We have but little information upon the subject. My understanding is—

Mr. MANN. You have enough information to appropriate a hundred thousand dollars for it.

Mr. BURLESON. Our understanding is that this is a more economical method than has been heretofore used for the repairing of streets, and our idea was if this economical method is used the District and the General Government should get the benefit of it. Consequently we put in this proviso, in order that a contract for the repair of streets by this new method of repairing might be entered into, and if it results in effecting great economy we desire the General Government and the District be given the benefit of it.

Mr. MANN. I quite agree with the gentleman. On the other hand, unless the gentleman has information—I assume that he has some—it is possible under this provision for the District Commissioners, if they wish to, which I assume they do not at present, greatly to favor the present contractor, because they can give him a new contract on this heater method at any price they choose without competition.

Mr. BURLESON. The purpose of the proviso was to prevent such thing; in fact, it was intended to accomplish just the contrary—to effect a saving.

Mr. MANN. The proviso expressly authorizes them to enter into a contract if they choose. I assume that at present they would not.

Mr. BURLESON. It was put in at the request of the engineer commissioner, in order that the District might enter into a contract during the next fiscal year, and by adopting the new method of repairing the streets—the heater method, I believe it is called—effect a saving to the District and the Government.

Mr. GILLET. It is a method by which they melt the tar right on the street.

Mr. MANN. That is no new method. I have seen that in operation on the streets of my home city for years.

Mr. BURLESON. The method in contemplation may not be new in Chicago, but it is new in Washington.

Mr. MANN. Oh, I think I have seen it in Washington since I have been here.

Mr. BURLESON. Recently, yes; but before last year, I think not.

Mr. MANN. No; not recently, unless I am very much mistaken.

Mr. GILLET. I think this particular method is new.

Mr. BOWERS. This particular method is new.

Mr. BURLESON. It is entirely new here; was never used before this fiscal year.

Mr. MANN. This particular method may be new; and if it is, it may be extremely desirable. It may be worth hundreds of thousands of dollars to this contractor to have it said that Congress has adopted his patented method. That is the reason we ought to know what the gentleman knows about it.

Mr. BURLESON. Our understanding is that it will effect a considerable saving to the District and the General Government if this new method is adopted, and so at the request of the engineer commissioner we have given him this authority to enter into a contract providing for the repair of the streets by the heater method.

Mr. DRISCOLL. Let me ask the gentleman is this new plan patented?

Mr. BURLESON. I think not.

Mr. MANN. If it is not patented and is a new process and comes in here in an appropriation bill, I will be surprised.

Mr. DRISCOLL. Is it under the control of any one concern?

Mr. BURLESON. I think not.

Mr. DRISCOLL. Does the gentleman from Texas know anything about it?

Mr. BURLESON. I do not claim to have all the information about it. It was used in the District of Columbia for the first time this year.

Mr. DRISCOLL. What is the information of the gentleman as to whether it is controlled by one concern or not?

Mr. BURLESON. I understand that the engineer can enter into a contract for it.

Mr. DRISCOLL. The word "understand" is very indefinite; it is the meanest word in the English language.

Mr. BOWERS. Mr. Chairman, I will ask the gentleman from Illinois to yield to me a moment. I think my friend from Texas is mistaken as to the duration of the contract now in existence in reference to the repairs of the streets. I ask the attention of the chairman of the committee, and the clerk is sitting beside him and he can correct me if I am wrong. The contract extends beyond the present fiscal year. In other words, it is a contract for more than one year. Since the contract was made the particular method of repair which is contemplated by this provision has come into use. The contractor, because the price is less and the profits perhaps less, or for some other reason, declines to proceed with this method, sticking to the old method of doing things, and the object of this provision is to enable the commissioners to flank him by doing the work by other means outside of that contract—by this approved and cheaper method, which the engineer commissioner estimates will be about 80 per cent of the present cost.

Mr. MANN. Now, Mr. Chairman, that information, I think, is very satisfactory to everybody. I want to call attention of the gentlemen to another provision, and that is in reference to the amounts for repairing pavements on street railways where it provides that the moneys collected shall be deposited to the credit of the appropriation for the fiscal year in which they are collected. That was one of the items I had in my mind a while ago in speaking of some provision like that in the bill, although that does not relate to fees collected. Another provision is on page 21, for advertising notices of taxes in arrears, where the fund is reimbursed out of fees collected.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

Anacostia flats: For employment of special counsel to investigate and determine the ownership of the land and riparian rights along the Anacostia River, for the purpose of improvement of the Anacostia flats, \$5,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the last paragraph. I understand that there is a commission which has been appointed and is now engaged in collecting information in reference to the title of property owned by the Government in the District of Columbia. That was provided for, I think, last year. Now, what is the object of providing for an attorney to do that same work over again?

Mr. GARDNER of Michigan. I do not understand that this is the same proposition. This is specifically to determine the title as to land and riparian rights along the Anacostia River.

Mr. MANN. To determine the title to private property, or to determine whether the property is private property or belongs to the Government?

Mr. GARDNER of Michigan. The latter.

Mr. MANN. We have a commission now in existence doing that very thing.

Mr. BOWERS. What commission does the gentleman from Illinois refer to?

Mr. MANN. A commission to report as to the title to real estate owned by the United States in the District of Columbia.

Mr. BOWERS. When was the commission authorized?

Mr. MANN. I think last year. It grew up, as I remember it, out of the discussion in the Sydney Bieber case, concerning which there was considerable talk in the House and at the other end of the Capitol last year. I see by the papers that the commission has been at work and is likely to make some kind of a report.

Mr. BOWERS. Was it authorized by law or created by executive action?

Mr. MANN. I do not remember, but I do not see that that makes any difference. If the Executive has jurisdiction to direct some one to make an investigation, and he has exercised that power, there is no necessity for making a specific appropriation for the purpose.

Mr. BOWERS. Let me say in reply that if the commission was created, as the gentleman thinks it was, by reason of the discussion that grew out of the Bieber matter a year ago, it is hardly probable that that commission will regard it within the scope of its work to go into this particular matter here, namely, the Anacostia flats. The Appropriation Committee has been confronted year after year with the contention that some improvement, some reclamation, perhaps, was necessary as to the Anacostia flats. It is demanded as a sanitary measure, if for no other reason.

Now, up to this time they have declined to take up the question of the improvement or the reclamation of those flats because the title to the property is uncertain, and it is in dispute whether that property belongs to the Government or is vested in private persons. As a first and preliminary step, an essential to doing anything, if we determine thereafter that anything should be done, it is necessary that the title of the property should be determined, and it seemed to the committee, and I must confess it seems to me now, even though this commission may be at work, that it is eminently wise to have this question of the title examined into and reported upon by a trained lawyer who can make such investigation and make a report upon which Congress can safely proceed in this very important matter.

Mr. MANN. If the Government seeks to do anything with this property, and if it has title, of course it can not lose the title by any process.

Mr. BOWERS. Certainly not. It is proposed, however, that the Government shall do something with this property if for no other reason than to protect the health of the District, and it is suggested that it be done by a reclamation of the land.

We do not want to go into the business of reclaiming the lands of private owners. We want to determine whether this is owned by the Government or whether it is owned by other persons before any step is taken for the reclamation of these flats. If it is private property and some sanitation is needed, the character of legislation will be very essentially different from that which we would enact if it were Government property, and when reclaimed would be the property of the Government.

Mr. MANN. The gentleman has explained the matter very lucidly. The item in the appropriation bill is for the identical purpose I supposed it was—for the purpose of putting the Government on record as commencing a very expensive improvement of the Anacostia flats. There can be no excuse for this appropriation to examine the title to these flats, unless it be the purpose of the Government to proceed with the improvement of



the flats; and it seems to me that we ought to have some intimation on that subject before we insert the entering wedge. This improvement is one of undoubtedly great importance to many people and undoubtedly one of tremendous expense to the Government, if undertaken.

Mr. BOWERS. Does the gentleman think that the mere inquiry into the title of this property would bind the Congress to proceed any further with the matter?

Mr. MANN. No; but the gentleman thinks this: There is no object in inquiring into the title of the property and spending money for that purpose unless it be the intention of the Government to make use of that information, and we can not make use of that information unless we proceed to the improvement of the flats. If it were a private owner, he might lose the title to his property through the statute of limitations. That is quite a different proposition. But the Government does not need to protect itself against the running of the statute of limitations or against laches. The title of the Government, such as it is, will remain in the Government for the next hundred years, although we did nothing concerning this property.

Mr. HARRISON. Why does not the corporation counsel investigate it?

Mr. BOWERS. There is no doubt in the world that this inquiry is the first step, but neither that committee nor this House would ever commit itself to any improvement of the Anacostia flats until a proper plan for their improvement was presented, and until they had critically examined into both the project and the cost and determined upon the advisability of making the expenditure and doing the work according to that given plan.

Mr. HARRISON. Will the gentleman yield?

Mr. BOWERS. Yes.

Mr. HARRISON. Why does not the corporate counsel investigate this title?

Mr. BOWERS. Because the corporation counsel's office has all the work now that it can do, and because the work can be better done by a specialist in land-title examination.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Illinois insist on his point of order?

Mr. MANN. I reserve the point of order for the present.

Mr. EDWARDS of Georgia. How many assistants has the corporation counsel?

Mr. BOWERS. I can not recall now.

Mr. EDWARDS of Georgia. Does the gentleman recall the salary of the corporation counsel?

Mr. BOWERS. I can tell the gentleman by turning to the page of the bill. There are so many figures in the bill that it is impossible to carry them in one head.

Mr. EDWARDS of Georgia. I note that back here on page 23, line 6, there is a provision for the employment of special counsel not to exceed \$3,000 per annum.

Mr. BOWERS. That is a provision that runs with every bill. To say the least of it, there is as much work in that office as it is possible for the force to do, working full or perhaps overtime.

Mr. EDWARDS of Georgia. Does not the gentleman think it would be in the interests of economy to add another corporation counsel and cut out these special fees?

Mr. BOWERS. No, I do not; if for no other reason than that given this afternoon by the gentleman from Arkansas [Mr. Macon] at an earlier stage of the proceedings, that when you create an office it is very hard to get rid of that office. Besides, this is the work of a specialist; this is work of a character that ought to be done by men trained to the particular work of investigating titles. It is a piece of work in the nature of an emergency. It is not continuing in its character. It has to be done, and that is the end of it. There is no need for the services afterwards of the man who makes that investigation.

Mr. EDWARDS of Georgia. If you will permit a suggestion, it seems to me that this is work with which the corporation counsel and his office ought to be familiar, and if they are not now familiar with it they ought to begin to get familiar with questions of this kind.

Mr. BOWERS. Every lawyer is more or less familiar with the examination of titles, and yet that does not interfere with the fact, as every lawyer knows, that there are specialists in the matter of the examination of titles who are infinitely better equipped for that work than the best trial lawyer that ever went into a court room.

Mr. EDWARDS of Georgia. But you do not provide there shall be an expert; you simply provide for special counsel.

Mr. BOWERS. Certainly; and under that term they would employ a man who is an expert, an expert in that class of work, just for the same reason that we know they would not employ a brickmaker or a carpenter or a blacksmith.

Mr. EDWARDS of Georgia. I have here the provision in the bill for the office of the corporation counsel, which provides for one corporation counsel at \$4,500, a first assistant corporation counsel at \$2,500, a second assistant corporation counsel at \$1,800, a third assistant counsel at \$1,600, a fourth assistant corporation counsel at \$1,500, a stenographer, and so forth.

Mr. BOWERS. Yes; does the gentleman think those sums are not necessary for the corporation counsel's office of the District?

Mr. EDWARDS of Georgia. I am unable to tell; but I think it is work that ought to be done through the office of the corporation counsel.

Mr. BOWERS. But the gentleman has not answered my inquiry as to whether the force is too great for the office of the corporation counsel for the District of Columbia.

Mr. EDWARDS of Georgia. I believe the force ought to be added to if the work is more than they can do.

Mr. BOWERS. You would add to the permanent force by reason of a temporary emergency?

Mr. HUGHES of New Jersey. I assume from the language that there are some private landowners interested in this proposition.

Mr. BOWERS. No; the point is this. The understanding of the committee is that this land is claimed by the Government of the United States, that at the same time private proprietors claim to own it. There is a conflict of claims, and it is to determine whether it is Government property that this investigation is made as a preliminary step to moving at all in the premises. In other words, we do not want even to consider this scheme of reclamation if this is private property. If it is Government property, then the question as to whether or not we will consider it will properly arise.

Mr. DRISCOLL. I would like to ask whether there has been a contest to the title of this property in any court?

Mr. BOWERS. None that I am advised of.

Mr. DRISCOLL. What is the complication about the title to this property?

Mr. BOWERS. The complication arises out of the fact that there have been and are adverse claims to this water front, known as the "Anacostia flats."

Mr. DRISCOLL. Who has made adverse claims?

Mr. BOWERS. I do not know the names of the people, but if the gentleman will examine the hearings he will find that this contest over the title to this property has been brought to the attention of Congress time after time, I do not know for how many years back. There is no doubt in the world there is a substantial controversy.

Mr. DRISCOLL. It does not seem to me we should provide a compensation of \$5,000 for a man to investigate this title, and there is no use for it, especially when you do not know how much work is involved, and so forth, and if the gentleman from Illinois does not insist upon his point of order I will.

Mr. BOWERS. I will say to the gentleman, as to the compensation, that it was regarded by all the members of the subcommittee, who are lawyers, as being the minimum sum, and not one of them would have undertaken to do such work for that amount or for a considerably larger sum.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. COX of Indiana. Mr. Chairman, I ask that the gentleman's time may be extended for the purpose of asking a question.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the time of the gentleman from Mississippi be extended for the purpose of asking a question. Is there objection? [After a pause.] The Chair hears none.

Mr. COX of Indiana. I desire to ask whether or not there was any showing before the committee as to the probable length of time it would take for this special counsel to look up this matter.

Mr. BOWERS. No; but he was expected to do the work for the lump sum of \$5,000.

Mr. COX of Indiana. No matter whether it took six months or a year?

Mr. BOWERS. No matter what time was consumed in the investigation, the sum of \$5,000 was to pay for a complete and exhaustive investigation and report on this question.

Mr. COX of Indiana. Was there any special counsel whose names were mentioned or suggested?

Mr. BOWERS. No.

Mr. HARRISON. Will the gentleman yield for a further question?

Mr. BOWERS. Yes.

Mr. HARRISON. Where are these Anacostia flats?

Mr. BOWERS. They are out here on the Anacostia River, sometimes called, I believe, the "Eastern Branch of the Potomac."

Mr. HARRISON. How many acres?

Mr. BOWERS. It is a large body of land.

Mr. MANN. I would like to ask my distinguished friend from Mississippi [Mr. BOWERS] whether he thinks this sum would be the only sum to be appropriated for this purpose?

Mr. BOWERS. I do.

Mr. MANN. Who would have possession of the records at the end of the number of years that would expire?

Mr. BOWERS. The abstract?

Mr. MANN. The numerous abstracts.

Mr. BOWERS. They would be turned over to the Government.

Mr. MANN. Suppose there should be litigation growing out of this between the Government and private owners as to who possessed the title, who would necessarily be employed as counsel for the Government?

Mr. BOWERS. That I can not say.

Mr. MANN. The corporation counsel's office would have no information on the subject. The information would lie mainly in the bosom of the gentleman who had received the \$5,000.

Mr. BOWERS. Could not the corporation counsel's office familiarize itself with the subject of taking the abstracts, and would not they necessarily go to the Government as a part of this investigation? If it does not, then the gentleman should perfect this provision by such an amendment as will safeguard that point. It certainly was in the contemplation of the committee that the abstracts, as well as all other fruits of this investigation, the investigation having been paid for jointly by the Government and the District, should be the property of the Government and the District.

Mr. MANN. I quite agree with the gentleman that the corporation counsel's office could perfect its knowledge in reference to information on the subject, and if there be a dispute between private property owners and the government somebody must perfect the knowledge of the corporation counsel's office on the subject if the corporation counsel's office is to represent the government. And if it is necessary for that office to learn about the titles to these flat properties, then, it seems to me, we might as well do it originally as to do it at secondhand.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has again expired.

Mr. MANN. The gentleman from Illinois is perfectly willing to have it expire, but I thought I had new time. If the time has expired, not yet being satisfied—

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. BOWERS] has also expired.

Mr. BOWERS. I understood, Mr. Chairman, that on the request of the gentleman from Indiana [Mr. Cox] my time had been extended—

The CHAIRMAN. To answer the question of the gentleman from Indiana.

Mr. BOWERS (continuing). Without any limitation on the extension.

The CHAIRMAN. To answer the question of the gentleman from Indiana.

Mr. MANN. I think I will have to insist on the point of order, Mr. Chairman. The language is as follows:

For employment of special counsel to investigate and determine the ownership of the land and riparian rights along the Anacostia River, for the purpose of improvement of the Anacostia flats, \$5,000.

There is no authority in law for the appropriation, and in addition to that it is in the nature of legislation as well.

The CHAIRMAN. Does the gentleman from Michigan [Mr. GARDNER] desire to be heard upon that?

Mr. GARDNER of Michigan. No, sir.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For public scales: For purchase, repair, and replacement of public scales, \$200.

Mr. GARDNER of Michigan. Mr. Chairman, I ask unanimous consent that the paragraph relating to playgrounds be passed without prejudice until to-morrow morning.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the paragraph which is about to be read may be passed until to-morrow morning without prejudice.

Mr. PARSONS. Mr. Chairman, reserving the right to object, I would like to ask the gentleman in charge of the bill why he makes the request? I desire to offer an amendment.

Mr. KEIFER. I suggest that the gentleman offer the amendment and let it go over with the paragraph.

Mr. MANN. Why does not the gentleman permit the paragraph to be read, then have the amendment read for information and have it go over, too?

Mr. GARDNER of Michigan. I have no objection to that.

Mr. PARSONS. Very well, then, if I may offer my amendment I will do so.

The CHAIRMAN. The Clerk will read the paragraph.

The Clerk read as follows:

Playgrounds: For maintenance and renewal of equipment and planting trees for outdoor playgrounds, \$1,500.

The CHAIRMAN. The gentleman from New York (Mr. PARSONS) offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend on page 34, lines 13 and 14, by striking out the words "one thousand five hundred" and inserting in lieu thereof "fifteen thousand."

Mr. GARDNER of Michigan. I reserve all points of order on the amendment, Mr. Chairman. I ask unanimous consent that this go over until to-morrow morning.

The CHAIRMAN. The gentleman from Michigan reserves all points of order, and asks unanimous consent that the paragraph and the amendment—

Mr. GARDNER of Michigan. Be postponed until to-morrow morning and be taken up the first thing after we go into the committee.

The CHAIRMAN. The gentleman asks that it be the first thing in order when the House goes into committee to-morrow morning. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Michigan. Mr. Chairman, I desire at this point to call attention to a matter that was inadvertently omitted and to offer an amendment to change the totals on page 16. I ask that the amendment be read.

The CHAIRMAN. If there be no objection, the committee will return to the paragraph indicated for the purpose of the amendment offered by the gentleman from Michigan, which the Clerk will report.

The Clerk read as follows:

On page 16, line 18, strike out "thirty-four" and insert "twenty-five."

The CHAIRMAN. Is there objection?

There was no objection.

The amendment was agreed to.

Mr. EDWARDS of Georgia. I want to ask the gentleman from Michigan a question about a preceding section, the provision for the bathing beach. Where is that beach, and what is the purpose of it? I ask for information.

Mr. GARDNER of Michigan. The bathing beach is down near the Washington Monument. It will interest the gentleman some time when he has leisure to go down and examine it; not for the purpose of bathing there, but simply to examine it and see the provision which has been made for those who are not provided, as the gentleman is, with a private bath.

Mr. EDWARDS of Georgia. I thank the gentleman. I wanted to get the information. I was not familiar with the facts.

The Clerk read as follows:

For repairs and improvements to school buildings and grounds and for repairing and renewing heating and ventilating apparatus, \$50,000.

For necessary repairs to and changes in plumbing in existing school buildings, \$50,000. A detailed statement shall be submitted to Congress of the expenditure of the foregoing sum, and for the fiscal year 1910 estimates shall be submitted in detail as to the particular school buildings requiring unusual repairs of and changes in plumbing.

Mr. EDWARDS of Georgia. I would like to ask the gentleman from Michigan a question. Here is an appropriation of \$50,000 for necessary repairs to and changes in plumbing. Then, in the preceding paragraph, on page 49, line 3, there is another item of \$50,000 for repairs and improvements to school buildings and grounds and for repairing and renewing heating and ventilating apparatus. That \$50,000 is to be expended on buildings owned by the Government, is it?

Mr. GARDNER of Michigan. Yes.

Mr. EDWARDS of Georgia. Then how about the next item, \$50,000, on page 49, line 7?

Mr. GARDNER of Michigan. That is all on government property.

Mr. EDWARDS of Georgia. Then you have a provision in that paragraph, beginning on line 6, down to line 12, on page 49, for a detailed estimate to be submitted to Congress of the expenditure of the foregoing sum, as to the particular school buildings requiring unusual repairs of and changes in plumbing. Why not also require a detailed statement of the expenditures of the \$50,000 provided in the paragraph beginning on line 3 of the same page?

Mr. GARDNER of Michigan. That is another one of these matters of administration that the committee does not deem it



advisable to enter into. We have to intrust these things largely to those to whom are committed the carrying out of the work. To undertake to instruct them specifically would be a task that we should hardly like to undertake.

Mr. EDWARDS of Georgia. You undertake it in one instance and do not in the other. The amount is as large in one case as it is in the other. It is \$50,000 in each case.

Mr. MANN. We now waste \$50,000 a year in changing the plumbing in these schools, because we require the commissioners to make an estimate every year of the possible changes, and there is an incentive to make a report showing necessary changes. It is absurd to say that the school buildings in Washington require, year after year, \$50,000 in the changing of plumbing. Yet that is done, because we require this detailed estimate. If you required a detailed estimate of something else, it would be shown how necessary it was in each case. It is the most expensive provision in the bill.

Mr. EDWARDS of Georgia. Then does the gentleman from Illinois think that provision requiring a detailed statement ought to be stricken from the bill?

Mr. MANN. I think it is ridiculous in there now, year after year.

Mr. CAMPBELL. And expensive.

Mr. MANN. And very expensive. As long as it remains in there you will find they will make the estimate to change from one kind of plumbing to another, and if they run out of new kinds, they will go back and change over again.

Mr. COX of Indiana. I should think it would be a good thing to move to strike it out.

The Clerk read as follows:

No expenditure shall be made under appropriations made by this act for gas or electric current used for any purpose whatsoever at a price exceeding 85 cents per 1,000 cubic feet for gas or 4½ cents per kilowatt hour for electric current. This provision shall not apply to lighting streets, avenues, alleys, or highways, the price for which is otherwise limited by this act.

Mr. HARRISON. Mr. Chairman, I move to amend, by striking out, on page 49, line 21, the word "five," so that it will read "80 cents per 1,000 cubic feet."

The Clerk read as follows:

Page 49, line 21, strike out the word "five," so as to read "80 cents per 1,000 cubic feet."

Mr. HARRISON. Mr. Chairman, I do not propose to make any extended remarks on this subject, because it has been debated in the House as recently as December 14, when the Committee on the District of Columbia brought in a bill fixing the price of gas in the District of Columbia at 90 cents; and my colleague [Mr. FITZGERALD] offered an amendment making it 85 cents, which was accepted and passed the House. Since that day the Supreme Court of the United States has rendered a decision upholding the constitutionality of a law of the State of New York which provides that gas shall be sold in New York at 80 cents. Therefore I think it is only suitable that the District of Columbia should have the same price as the city of New York; but, inasmuch as this section refers to the payment by the Government for services rendered by the companies to the Government itself, it certainly is within the discretion of this body, and very advisable, to fix the price at 80 cents. I therefore offer that amendment.

Mr. GARDNER of Michigan. Mr. Chairman, the committee fixed the price named in the bill, the same as that in the bill recommended by the Committee on the District of Columbia, with the exception in the matter of street lighting, which is fixed at a rate lower than that fixed by the District Committee. I hardly see why a schoolhouse should pay less. The meters have to be read, the bills have to be presented, sometimes they are larger and sometimes smaller, the same as with other consumers of not large quantities. Personally, I have no objection to the amendment, but it seems to me, as a matter of justice and fairness, as the House bill is not yet law, it would be better to let it stand where the committee has placed it.

Mr. HARRISON. I will disagree with the gentleman to this extent, that this is a good place to make a beginning. I think if we are finally to have 80-cent gas in the District, this is a good place to begin.

Mr. MANN. Does not the gentleman think it would be more desirable to get 85 cents and then leave it until the other matter is settled?

Mr. HARRISON. Has the gentleman any assurance that we will get 85-cent gas?

Mr. MANN. No; but the House having passed a bill providing for 85-cent gas, the House can consistently maintain that position; whereas if the gentleman's amendment prevails, we should be one day in favor of 85-cent gas and the next day 80 cents, and would maintain no consistent position.

Mr. HARRISON. The reason for advancing the suggestion is that the situation has changed. We have had the decision of the Supreme Court of the United States on the New York case, which decision has been rendered subsequent to the date of this debate in the House on December 14.

Mr. MANN. I understand; but everyone acquainted with the gas proposition takes the position and admits that the price of gas at a particular place depends upon the circumstances in each particular instance, and the price of gas in New York necessarily has no reference to the proper price of gas in Washington.

Mr. HARRISON. I understand the gentleman's colleague [Mr. MADDEN], who has given an exhaustive study to this subject, stated in the House the other day that he thought 75 cents would be a fair price for gas in the District.

Mr. MANN. I do not undertake to say just what the correct price in the District should be; but my colleague [Mr. MADDEN], who has made an exhaustive study of the subject, was willing the other day to pass the bill at 85 cents.

Mr. HARRISON. Only upon the specific statement that he thought a little improvement was better than none. He was in hopes that the House would pass it at 85 cents, but said that 75 cents was a fair price.

Mr. MANN. He agreed to 85 cents, and the House took that position. This is the only course to take if the House wants to maintain its dignity, to maintain the position which it took the other day, until it gets something. Of course this is something that we can regulate at any time afterwards.

Mr. HARRISON. The events which have occurred since the debate in the House should serve for some sort of reason for such action as I recommend.

Mr. MANN. I do not understand that the decision of the Supreme Court with reference to the gas case of New York would affect the situation here at all.

Mr. HARRISON. It affects it so far as it is evident that a law of that sort is going into operation in our State.

Mr. MANN. In New York?

Mr. HARRISON. Yes.

Mr. MANN. On the other hand, as I understand the case, they held in favor of 80 cents in that locality, but that does not settle it under that decision that the same price will apply to the District of Columbia. I am not referring to the cost of manufacturing gas.

Mr. HARRISON. Upon that I am willing to take the testimony of your colleague [Mr. MADDEN], who said that 75 cents was a fair price for gas.

Mr. MANN. Well, the gentleman takes the testimony of my colleague as to a part of it. I do not know what the gentleman from Illinois, my colleague, stated.

Mr. HARRISON. I remember it distinctly, and I have repeated it.

Mr. MANN. I remember this: That in the testimony before the District Committee no one put the price of gas at less than 80 cents. I do not undertake to say what the price of gas in the District should be. I do not know whether it should be 80 cents or 75 cents or 85 cents. I think there should be a reduction. It is quite evident, from such study as I have given to the gas question in the past that each case depends somewhat on itself, and the price of gas in the city of New York does not necessarily fix the price of gas in the more sparsely settled territory, such as Washington. We have taken a position of 85 cents as to the price of gas, and, if I have my way about it, we will maintain that position if it causes the bill to go over to an extra session of Congress.

Mr. HARRISON. I am glad to have the gentleman say that, because I know that he is in a position to render yeoman service, but I hope the gentleman will vote for this amendment to make gas cheaper.

Mr. MANN. If this amendment is adopted, I think it will cause the price of gas to remain at \$1. I do not think the gentleman could offer an amendment that would more surely result in keeping the price of gas up than to offer this one, which changes the position of the House as to price.

Mr. HARRISON. Why?

Mr. MANN. A wabby man, a man whose position is this way one minute and that way the next, is without influence; nobody cares for his opinion. Nobody can be stubborn who changes his mind every minute.

Mr. HARRISON. A great many Members of the House think that the price of gas ought to be cheaper than that.

Mr. MANN. Well, I will repeat that nobody can be stubborn who changes his mind every minute. The House will have to be mighty stubborn if it gets the price of gas reduced.

Mr. HARRISON. I agree so far as the gentleman goes, but I call attention to the fact that this amendment relates to

the sale by these companies of gas to the Government, and the bill brought into the House the other day fixes the price to all the residents, including the Government. It is not exactly the same thing, and there is no wabbling.

Mr. MANN. There is a wabbling as to price.

Mr. GARDNER of Michigan. Mr. Chairman, I hope, in the interest of the lower price of gas, that the committee may be sustained. I agree with the gentleman from Illinois that it is in the interest of cheaper gas that we all stand solidly in line for gas at 85 cents.

Mr. HARRISON. The gentleman will admit that the committee was by no means solid when the vote was taken before. It was 66 to 38, if my recollection serves me. The gentleman may be voicing the position of the minority that voted against the reduction. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and on a division [demanded by Mr. HARRISON] there were 18 ayes and 21 noes.

So the amendment was lost.

The Clerk read as follows:

For extending the telephone system to one 12-room building in the "fourth division," one 8-room building in the "third division," the Bunker High School, including the cost of the necessary wire, cable, poles, cross arms, braces, conduit connections, extra labor, and other necessary items to be expended under the electrical department, \$400.

Mr. EDWARDS of Georgia. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question in regard to extending this telephone system. Is it a public system or a private system?

Mr. GARDNER of Michigan. It is the government system, the public system, and it is to be extended to these school buildings so as to give the teachers ready communication with the superintendent, and also the fire department and the police department.

Mr. EDWARDS of Georgia. I will withdraw the pro forma amendment.

The Clerk read as follows:

Any unexpended balances in the "Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal years ending June 30, 1907 and 1908, and for other purposes, to rent, equip, and care for temporary rooms for classes above the second grade, now on half time, and to provide for the estimated increased enrollment that may be caused by the operation of the compulsory education law," is hereby reappropriated and made immediately available for the purchase, erection, and maintenance of portable school-houses for temporary use.

Mr. GARDNER of Michigan. Mr. Chairman, I would like to offer an amendment on page 42, line 24.

The Clerk read as follows:

On page 42, line 24, strike out the word "eighteen" and insert in lieu thereof the words "twenty-two."

Mr. GARDNER of Michigan. The effect of that amendment is simply to correct the enumeration.

The amendment was agreed to.

Mr. GARDNER of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25392, the District of Columbia appropriation bill, and had come to no resolution thereon.

#### ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4856. An act authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 7378. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company—to the Committee on Interstate and Foreign Commerce.

S. 7640. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company—to the Committee on Interstate and Foreign Commerce.

S. 7785. An act relative to outward alien manifests on certain vessels—to the Committee on Immigration and Naturalization.

#### WITHDRAWAL OF PAPERS.

Mr. PARSONS, by unanimous consent, was given leave to withdraw from the files of the House papers in the case of Gwinthlean Macrae Robinson (H. R. 13802), Sixtieth Congress, no adverse report having been made thereon.

Also, papers in same case (H. R. 17888), Fifty-ninth Congress, no adverse report having been made thereon.

Mr. STEPHENS of Texas, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Reuben Vermillion, Fifty-eighth Congress, no adverse report having been made thereon.

#### LEAVE OF ABSENCE.

Mr. BURTON of Ohio, by unanimous consent, was granted leave of absence for three days, on account of important business.

#### ITALIAN EARTHQUAKE DISASTER.

The SPEAKER laid before the House the following message from the President of the United States (S. Doc. No. 649), which was read and, with the accompanying papers, by unanimous consent, ordered to be printed and placed in the files of the House:

To the Congress of the United States:

I transmit a report of the Secretary of State, submitting a translation of a note from the ambassador of Italy at this capital, in which, under instruction of his Government, he expresses his desire to convey to the Congress of the United States the lively sentiments of the gratitude of the Italian Government for the sympathy shown by that body in view of the disasters that have devastated Sicily and Calabria and for the generous appropriation made for the relief of the sufferers.

THEODORE ROOSEVELT.

THE WHITE HOUSE,  
Washington, January 12, 1909.

#### ADJOURNMENT.

Then, on motion of Mr. GARDNER of Michigan (at 5 o'clock p. m.), the House adjourned.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 8143) granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation, reported the same without amendment, accompanied by a report (No. 1835), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 23863) for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States, reported the same without amendment, accompanied by a report (No. 1836), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the Senate (S. 6764) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri, reported the same without amendment, accompanied by a report (No. 1841), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OVERSTREET, from the Committee on the Post-Office and Post-Roads, to which was referred the joint resolution of the House (H. J. Res. 216) for a special Lincoln postage stamp, reported the same without amendment, accompanied by a report (No. 1842), which said joint resolution and report were referred to the Committee on the Whole House on the state of the Union.

Mr. TIRRELL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21929) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903, reported the same with amendments, accompanied by a report (No. 1834), which said bill and report were referred to the House Calendar.



## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SIMS, from the Committee on War Claims, to which was referred House bill 7479, reported in lieu thereof a resolution (H. Res. 483) referring to the Court of Claims the papers in the case of John A. Taft for services rendered during the civil war, accompanied by a report (No. 1838), which said resolution and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred House bill 23799, reported in lieu thereof a resolution (H. Res. 484) referring to the Court of Claims the papers in the case for the relief of William Francis, accompanied by a report (No. 1839), which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred House bill 25189, reported in lieu thereof a resolution (H. Res. 485) referring to the Court of Claims the papers in the case for the relief of the estates of George W. and Richard B. Cooper, deceased, accompanied by a report (No. 1840), which said resolution and report were referred to the Private Calendar.

Mr. CANDLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 24303) for the relief of the estate of Charles Fitzgerald, reported the same without amendment, accompanied by a report (No. 1843), which said bill and report were referred to the Private Calendar.

## ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3060) for the relief of the estate of Dr. Thomas J. Coward, deceased, reported the same adversely, accompanied by a report (No. 1837), which said bill and report were laid on the table.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 22456) granting a pension to Anna E. Siple—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25465) granting a pension to Bedy Wheeler—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25644) granting an increase of pension to Isaiah Clarke Steele—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25913) granting an increase of pension to Jessie G. Hoppock—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17731) granting an increase of pension to Thomas A. Wirt—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 25981) for the erection of a federal building for the United States at Bowie, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. WEEKS: A bill (H. R. 25982) changing the status of certain officers on the retired list of the navy who were retired on account of wounds or other disability incident to service—to the Committee on Naval Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 25983) granting a pension to Albert P. Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25984) granting a pension to Morgan M. Mills—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 25985) granting an increase of pension to David Holt—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 25986) granting a pension to Henry S. Weir—to the Committee on Pensions.

By Mr. BATES: A bill (H. R. 25987) granting an increase of pension to William Wellman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25988) granting an increase of pension to Edward F. Harter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25989) granting an increase of pension to Abram Gaskill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25990) granting a pension to George W. Eckert—to the Committee on Pensions.

By Mr. BINGHAM: A bill (H. R. 25991) granting a pension to Mary A. Murphy—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 25992) granting an increase of pension to Elizabeth S. Reess—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 25993) granting an increase of pension to James F. Williams—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 25994) granting an increase of pension to George L. Byers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25995) granting an increase of pension to David W. Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25996) granting an increase of pension to William H. H. Lease—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25997) granting an increase of pension to Alvy Degood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25998) granting a pension to John Ogan—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 25999) granting an increase of pension to Bevadilla Henry—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 26000) granting an increase of pension to Ira B. Gould—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26001) granting an increase of pension to Lyman M. Ramsay—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 26002) granting an increase of pension to David S. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26003) granting an increase of pension to Daniel C. Boswell—to the Committee on Invalid Pensions.

By Mr. DAWES: A bill (H. R. 26004) granting an increase of pension to Daniel W. Nutting—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 26005) for the relief of Henry C. Wolfe—to the Committee on Military Affairs.

By Mr. GARDNER of Massachusetts: A bill (H. R. 26006) granting a pension to Roxanna N. Wilford—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 26007) to remove the charge of desertion from the military record of John W. Pierce—to the Committee on Military Affairs.

By Mr. GOEBEL: A bill (H. R. 26008) granting an increase of pension to Daniel H. Converse—to the Committee on Invalid Pensions.

By Mr. GREENE: A bill (H. R. 26009) granting a pension to Herbert A. Ballou—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26010) granting a pension to Nathan S. Gibbs—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 26011) to correct the military record of John L. Yohn—to the Committee on Military Affairs.

By Mr. HOLLIDAY: A bill (H. R. 26012) granting an increase of pension to Emri Sites—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 26013) granting an increase of pension to William H. Colsher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26014) granting an increase of pension to Augustus W. Patterson—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 26015) granting an increase of pension to Moses Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26016) granting an increase of pension to Rufus K. Callahan—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 26017) granting a pension to George W. Goodman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26018) granting a pension to Thomas Blythe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26019) granting a pension to J. H. Bule—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26020) granting a pension to R. B. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26021) granting an increase of pension to George M. Babbitt—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 26022) granting an increase of pension to Samuel Minnick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26023) granting an increase of pension to Philip Heiser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26024) granting an increase of pension to George Reiffenoch—to the Committee on Pensions.

Also, a bill (H. R. 26025) granting an increase of pension to William Dalton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26026) granting a pension to George I. Ribyn—to the Committee on Pensions.

Also, a bill (H. R. 26027) granting a pension to William Kudebeh—to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 26028) granting an increase of pension to David Cool—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 26029) granting an increase of pension to William Croft—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26030) granting an increase of pension to Hiram H. Hetler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26031) granting a pension to Benjamin E. Kneibler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26032) granting a pension to Laura C. Robison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26033) granting a pension to Ellen Guntion—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 26034) granting an increase of pension to Edward D. Mundy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26035) granting an increase of pension to James S. Daugherty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26036) granting a pension to Charles H. Stinchfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26037) for the relief of the First National Bank of Bellefourche, S. Dak.—to the Committee on Irrigation of Arid Lands.

By Mr. MOUSER: A bill (H. R. 26038) granting an increase of pension to Daniel T. Cockerill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26039) granting an increase of pension to Rudolph Geislu—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 26040) granting an increase of pension to Edward L. Hagan—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 26041) granting an increase of pension to James E. White—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 26042) granting an increase of pension to Daniel A. Jones—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 26043) granting a pension to Misses M. E. and S. J. Gladney—to the Committee on Pensions.

Also, a bill (H. R. 26044) granting a pension to George H. Predry—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 26045) granting an increase of pension to Auguste Elsserman—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 26046) granting an increase of pension to Alfred Dodge—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 26047) granting an increase of pension to John I. Cochran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26048) granting an increase of pension to J. W. Hyatt—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 26049) granting an increase of pension to Wing Greene—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26050) granting an increase of pension to Iodine, alias Lewis J. Vosburg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26051) granting an increase of pension to George W. Wightman—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 26052) granting an increase of pension to Frank Chase—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 26053) granting an increase of pension to James E. Ledbetter—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 26054) granting an increase of pension to Gardner Wells—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 26055) granting an increase of pension to Mary E. Balch—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 26056) for the relief of the estate of Charles Fitzgerald—to the Committee on Claims.

By Mr. WILSON of Illinois: A bill (H. R. 26057) granting a pension to John R. Shirley—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 26058) granting an increase of pension to Jesse T. Robertson—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 26059) for the relief of Frederick M. Loveless—to the Committee on the Public Lands.

By Mr. WILSON of Pennsylvania: A bill (H. R. 26060) to correct the military record of George O. Pratt—to the Committee on Military Affairs.

Also, a bill (H. R. 26061) granting an increase of pension to John Maneval—to the Committee on Invalid Pensions.

By Mr. SIMS, from the Committee on War Claims: Resolution (H. Res. 483) referring to the Court of Claims the bill H. R. 7479—to the Private Calendar.

By Mr. HASKINS, from the Committee on War Claims: Resolution (H. Res. 484) referring to the Court of Claims the bill H. R. 23799—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: Resolution (H. Res. 485) referring to the Court of Claims the bill H. R. 25189—to the Private Calendar.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Federation of Jewish Organizations, for appointment of a chaplain in the army and navy for the religious comfort and well-being of Jewish soldiers—to the Committee on Military Affairs.

Also, petition of Merchants' Association of New York, against unjust censure of railroad management—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN: Petitions of Naples Grange, of Naples; Crooked River Grange, of Harrison; and Westbrook Grange, of Westbrook, all in the State of Maine, favoring a parcels-post law and postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Paper to accompany bill for relief of Eliza Sells—to the Committee on Pensions.

Also, petition of R. J. Minesinger and others, of New Philadelphia, Ohio, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. BATES: Petition of Rear-Admiral Henry F. Picking Naval Garrison, No. 4, of Erie, Pa., for legislation retiring petty officers and enlisted men of the navy after twenty-five years of continuous service—to the Committee on Naval Affairs.

Also, paper to accompany bill for relief of William Wellman—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George H. Eckert—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Edw. F. Harter and Abram Gaskill—to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of National Negro Fair Association, of Mobile, for an appropriation to aid National Negro Exposition near city of Mobile—to the Committee on Industrial Arts and Expositions.

Also, petition of W. A. Avery, J. T. Little, M. D., and others, of Pittsburg, Pa., for legislation prohibiting sale of intoxicants on all property controlled by the United States Government—to the Committee on the Judiciary.

Also, petition of the executive committee of the Prison Association of New York, praying for an appropriation in aid of the International Prison Congress to be held in Washington, D. C., in 1910—to the Committee on the Judiciary.

By Mr. CALDER: Petition of S. M. Erikson, of Brooklyn, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Leon H. Curtice, for legislation to secure fairer consideration of railway interests—to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: Petition of Rhode Island Bar Association, praying for an increase in the salaries of United States circuit and district judges—to the Committee on the Judiciary.

Also, petition of Society of Organized Charity, of Providence, R. I., favoring appropriation in aid of International Prison Congress—to the Committee on Appropriations.



Also, petition of Board of Trade of Providence, R. I., favoring increase of salaries of United States judges—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Henry Bucklin—to the Committee on Invalid Pensions.

By Mr. CAULFIELD: Petition of St. Louis Typographical Union, No. 8, against Judge Wright's decision in case of Samuel Gompers and others—to the Committee on the Judiciary.

By Mr. COCKS of New York: Petition of Henry Keller, H. W. Dupont, and George E. Miller, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. CURRIER: Petition of residents of Washington, N. H., against Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

Also, petitions of George Menton Grange, of Westmoreland; Park Grange, of West Concord; Starr King Grange, of Jefferson; and Meriden Grange, of Meriden, all in the State of New Hampshire, for parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVENPORT: Paper to accompany bill for relief of Daniel C. Bosnell—to the Committee on Invalid Pensions.

By Mr. DAVIS: Petition of citizens of Lake Mills, favoring H. R. 18204, known as the "Davis bill" (national cooperation in technical education)—to the Committee on Agriculture.

Also, petition of Elysian Hardware Company and others, of Elysian, Minn., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petitions of George Boyer and 26 other business firms of West Liberty, Whitmer & Griffith and 16 other business firms of Wilton Junction, Snaveley Brothers and 6 other business firms of Ladora, Floerchinger Brothers and 9 other firms of Oxford, and Emil L. Boering and 56 other firms of Iowa City, all in the State of Iowa, against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of Squires, Sherry & Galusha, of New York, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. DRISCOLL: Petition of J. J. Howe and other citizens of New York, favoring a parcels-post and a postal savings banks law—to the Committee on the Post-Office and Post-Roads.

Also, petition of business firms of Leonardville, N. Y., against postal savings banks and parcels-post laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS of Oregon: Petition of Oregon Commandery of the Order of the Loyal Legion of the United States, in favor of H. R. 19250 (civil-war volunteer officers' retired bill)—to the Committee on Military Affairs.

Also, petition of Astoria Chamber of Commerce and Columbia bar and river pilots, asking for an appropriation for operation of government dredge *Chinook*—to the Committee on Rivers and Harbors.

By Mr. ENGLEBRIGHT: Petition against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. FAIRCHILD: Petition of Ellenville (N. Y.) Grange, No. 956, and Milton (N. Y.) Grange, No. 884, favoring parcels-post system and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOYD: Petition of citizens of Arkansas, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. FORNES: Petition of Frank Hervey Field, favoring H. R. 21455—to the Committee on Patents.

Also, petitions of New York Board of Trade and Transportation, R. C. Nye, W. E. Heller, and H. Klenhans, all of New York City, favoring reconsideration of railroad-rate law—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. B. Fairchild, favoring S. 7274 (civil-war officers' annuity honor roll)—to the Committee on Military Affairs.

By Mr. FULLER: Petition of George A. P. Cummings, of Joliet, Ill., favoring pensions for ex-prisoners of war in the civil war—to the Committee on Invalid Pensions.

Also, petition of Merchants' Association of New York, favoring legislation to secure fair treatment and consideration of railway interests, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. GOEBEL: Paper to accompany bill for relief of Daniel H. Converse—to the Committee on Invalid Pensions.

Also, petition of citizens of Cincinnati, Ohio, for an effective exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of American Prison Association, for suitable provision for the preparatory work of the Inter-

national Prison Commission and for the entertainment of the congress—to the Committee on the Judiciary.

Also, petition of R. M. Trimble, C. C. Boggs, and others, of Pittsburg, Pa., for legislation prohibiting sale of intoxicants on all property controlled by the United States Government—to the Committee on the Judiciary.

Also, petition of National Negro Fair Association, favoring an appropriation in aid of National Negro Exposition near the city of Mobile—to the Committee on Industrial Arts and Expositions.

By Mr. GRONNA: Petition of commercial club of Grand Forks, N. Dak., for improvement of the Red River of the North—to the Committee on Rivers and Harbors.

Also, petition of Cheyenne Branch of Railway Postal Clerks, against retirement plan for superannuated employees in the classified service (H. R. 21261) unless the plan be made wholly voluntary—to the Committee on Reform in the Civil Service.

Also, petition of Asiatic Exclusion League, favoring an exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition for legislation to protect prohibition States from the liquor traffic through interstate commerce—to the Committee on the Judiciary.

Also, petition of citizens of Manvel, N. Dak., for retention of present duty on grain—to the Committee on Ways and Means.

By Mr. HAMILTON of Iowa: Petition of citizens of Sigourney, Iowa, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petitions of citizens of Delta, Rose Hill, Harper, Keota, Sigourney, Grinnell, Malcom, Brooklyn, Evans, Eddyville, Monroe, Lavilla, and Albia, Iowa, against a parcels-post and a postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of Plainville Grange, No. 54, Patrons of Husbandry, for parcels post on rural delivery routes and a postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Petition of Keenan & Berginen, of Watertown, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. LIVINGSTON: Papers to accompany bills for relief of John Ward, R. Luther Hays, James K. P. Carlton, John Bridwell, and Prince Ponder—to the Committee on War Claims.

By Mr. MCKINLEY of Illinois: Petitions of citizens of Fullerton and Decatur, Ill., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of citizens of Chicago, for removal of duty on hides—to the Committee on Ways and Means.

By Mr. MANN: Petition of Federation of Jewish Organizations of New York City, favoring appointment of chaplains in the army and navy for Jewish soldiers—to the Committee on Military Affairs.

Also, petition of the Merchants' Association of New York, for legislation to encourage return of railway business to normal conditions—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Woman's Christian Temperance Union, favoring the Littlefield bill, designed to protect prohibition territory against liquor traffic through interstate commerce—to the Committee on the Judiciary.

Also, petition of Chicago-Toledo-Cincinnati Deep Water Association, for surveys for canal between Toledo and Chicago—to the Committee on Rivers and Harbors.

By Mr. MARTIN: Petitions of Commercial Club of Mitchell, business men of Garden City, and business men of Gayville, all in the State of South Dakota, against parcels-post delivery on rural free-delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Marshall County, S. Dak., against passage of Senate bill 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

Also, petition of Central City Mining Union and Lead City (S. Dak.) Miners' Union, for legislation to secure investigation of the Treadwell Mining Company in Alaska—to the Committee on Mines and Mining.

Also, petition of L. E. Weller, of Plankinton, S. Dak.; E. S. Lovering, of South Dakota; and Murdo McKenzie, of Minto, S. Dak., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of estate of William Duncan—to the Committee on War Claims.

By Mr. MUDD: Paper to accompany bill for relief of Rachel A. Ardeeser (previously referred to the Committee on War Claims)—to the Committee on Invalid Pensions.

By Mr. NORRIS: Petitions of business men of fifth district of Nebraska; citizens of Lawrence, Nebr.; and citizens of Grant, Perkins, and Nuckolls counties, Nebr., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Nebraska, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. PRATT: Paper to accompany bill for relief of Jessie G. Hopper (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. PRAY: Letter and telegram of Hon. E. R. Taylor, mayor of San Francisco, and C. W. Hodgson, relative to the Hetch Hetchy grant of water privileges to San Francisco—to the Committee on the Public Lands.

Also, petition of Granite Miners' Union of Montana, favoring legal investigation of the Treadwell Mining Company—to the Committee on Mines and Mining.

By Mr. ROBINSON: Papers to accompany bills for relief of Albert McConnell, Mary J. Utter, and Richard B. Rankin—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of heirs of J. A. Patillo—to the Committee on War Claims.

By Mr. THOMAS of Ohio: Petitions of P. N. Krapp and others, Grayce Rawson and others, M. D. Hugley and others, and G. R. Pierce and others, all of the State of Ohio, favoring a parcels-post and postal savings banks bills—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Barberton, Ohio, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WEEMS: Petitions of E. E. Mansfield and others, and citizens of Carroll County, Ohio, against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John D. Vail—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: Petitions of A. H. Buck and 24 other members of Westfield Grange, No. 1088, of Pennsylvania; W. T. Rich and 32 other members of Chatham Grange; and Francis Reid and 15 other members of Roulette Grange, No. 1289, for a parcels-post system and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Paul Laverents, John W. Baker, and D. R. Kinport, against passage of H. R. 21261 (retirement plan for superannuated employees in the civil service)—to the Committee on the Post-Office and Post-Roads.

## SENATE.

WEDNESDAY, January 13, 1909.

Prayer by Rev. Henry N. Couden, D. D., Chaplain of the House of Representatives.

The Journal of yesterday's proceedings was read and approved.

### ELECTORAL VOTE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, authenticated copies of the final ascertainment of electors for President and Vice-President appointed in the States of North Dakota and Texas, which, with the accompanying papers, were ordered to be filed.

### ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. C. R. McKenney, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bill, and it was thereupon signed by the Vice-President:

S. 4856. An act authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Central Labor Union of Wilmington, Del., remonstrating against the enjoining of Samuel Gompers et al. from exercising their constitutional rights to freedom of speech, which was referred to the Committee on the Judiciary.

He also presented a petition of the Maryland School for the Blind, of Baltimore, Md., praying for the adoption of certain amendments to the census bill with respect to the record to be made of the blind in the United States, which was ordered to lie on the table.

Mr. SCOTT presented a petition of Robinson Grange, No. 251, Patrons of Husbandry, of the State of West Virginia, praying for the passage of the so-called "rural parcels-post" and

"postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Alexander C. Moore, of Clarksburg, W. Va., praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. KITTREDGE presented a petition of the South Dakota Educational Association, of Aberdeen, S. Dak., praying for the enactment of legislation providing for a separation of the Bureau of Education from the Department of the Interior and making it a department under the charge of a secretary of education, which was referred to the Committee on Education and Labor.

Mr. GAMBLE presented a petition of the Black Hills Schoolmasters' Club, of Spearfish, S. Dak., praying that an appropriation be made for making available photographic folios of views taken in the work of the Geological Survey and the Reclamation and Forestry services, which was referred to the Committee on the Geological Survey.

Mr. KEAN presented petitions of Pascack Grange, No. 141, of Woodcliff Lake, Wayne Township Grange, No. 145, of Preakness, and Lincoln Grange, No. 136, of Westwood, Patrons of Husbandry, all in the State of New Jersey, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Archibald G. Smith, of Lambertville, N. J., praying for the passage of the so-called "postal savings banks bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of R. E. Blood, of Clifton, N. J., remonstrating against the enactment of legislation inimical to the railroad interests of the country, which was referred to the Committee on Interstate Commerce.

Mr. FRYE presented a petition of Silver Harvest Grange, Patrons of Husbandry, of Waldo, Me., and a petition of Franklin Grange, Patrons of Husbandry, of Woodstock, Me., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOPKINS presented a petition of the Wind Mill Manufacturers' Club, of Batavia, Ill., praying for a general reduction of the tariff, and also for the appointment of a permanent nonpartisan tariff commission, which was referred to the Committee on Finance.

Mr. BURKETT presented a petition of the Commercial Club of Norfolk, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Federation of Jewish Organizations, of New York City, N. Y., praying for the enactment of legislation to create the office of Jewish chaplain in the army and navy, which was referred to the Committee on Military Affairs.

Mr. DIXON presented a paper to accompany the bill (S. 8273) to amend an act approved May 30, 1908, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," which was referred to the Committee on Indian Affairs.

Mr. BROWN presented a petition of the Commercial Club of Norfolk, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. RAYNER presented a petition of Linden Spring Grange, No. 260, Patrons of Husbandry, of the State of Maryland, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

### POSTAL SAVINGS BANKS.

Mr. NELSON. I present a paper, by Hon. L. B. Caswell, of Fort Atkinson, Wis., relating to postal savings banks. It is a very short and clear paper, and I move that it be printed as a document (S. Doc. No. 651).

The motion was agreed to.

### REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 8050) for the relief of James R. Wyrick (Report No. 736); and

A bill (S. 7390) for the relief of Christina Rockwell (Report No. 737).